

Frank M. Hoeye, to be postmaster at Perry, in the county of Dallas and State of Iowa.

Lew I. Sturgis, to be postmaster at Oelwein, in the county of Fayette and State of Iowa.

Thomas D. Ward, to be postmaster at Corpus Christi, in the county of Nueces and State of Texas.

George B. Zimpelman, to be postmaster at Austin, in the county of Travis and State of Texas.

Charles K. Miller, to be postmaster at Athens, in the county of Henderson and State of Texas.

Thomas Breen, to be postmaster at Mineola, in the county of Wood and State of Texas.

Hal Singleton, to be postmaster at Jefferson, in the county of Marion and State of Texas.

Richard O. Misener, to be postmaster at Hamilton, in the county of Hamilton and State of Texas.

William L. Lemon, to be postmaster at North Yakima, in the county of Yakima and State of Washington.

N. O. Baldwin, to be postmaster at Pomeroy, in the county of Garfield and State of Washington.

J. D. Burns, to be postmaster at Tyler, in the county of Smith and State of Texas.

Francis M. Barton, to be postmaster at Terrell, in the county of Kaufman and State of Texas.

Lynn G. Thomas, to be postmaster at Canton, in the county of Bradford and State of Pennsylvania.

Ira Brown, to be postmaster at Sedro-Woolley, in the county of Skagit and State of Washington.

Eugene E. Robertson, to be postmaster at Collins, in the county of Covington and State of Mississippi.

Maud Olmsted, to be postmaster at Littleton, in the county of Arapahoe and State of Colorado.

R. P. Campbell, to be postmaster at Aberdeen, in the county of Chehalis and State of Washington.

Charles W. Anderson, to be postmaster at Platte, in the county of Charles Mix and State of South Dakota.

Joshua P. Jessup, to be postmaster at Hertford, in the county of Perquimans and State of North Carolina.

George W. Young, to be postmaster at Brevard, in the county of Transylvania and State of North Carolina.

Joel S. Ray, to be postmaster at Arcola, in the county of Douglas and State of Illinois.

Paul A. F. Walter, to be postmaster at Santa Fe, in the county of Santa Fe and Territory of New Mexico.

Charles H. Kuester, to be postmaster at North Judson, in the county of Starke and State of Indiana.

Joseph T. Van Gundy, to be postmaster at Monticello, in the county of Piatt and State of Illinois.

Cassius M. C. Weedman, to be postmaster at Farmer City, in the county of De Witt and State of Illinois.

William H. Steen, to be postmaster at Braidwood, in the county of Will and State of Illinois.

James Frey, to be postmaster at Enterprise, in the county of Dickinson and State of Kansas.

William H. Ellett, to be postmaster at Eldorado, in the county of Butler and State of Kansas.

George S. Harris, to be postmaster at Gas City, in the county of Grant and State of Indiana.

Thomas E. Hurley, to be postmaster at Minneapolis, in the county of Ottawa and State of Kansas.

Isaac B. Davis, to be postmaster at Marysville, in the county of Marshall and State of Kansas.

Henry L. Henderson, to be postmaster at Iola, in the county of Allen and State of Kansas.

Bernard Roddy, to be postmaster at South Amboy, in the county of Middlesex and State of New Jersey.

Louis T. Drouse, to be postmaster at Camden, in the county of Camden and State of New Jersey.

Floyd E. Young, to be postmaster at Stockton, in the county of Rooks and State of Kansas.

Charles E. Sheldon, to be postmaster at Sherman, in the county of Chautauqua and State of New York.

Frank Jones, to be postmaster at Ballston Spa, in the county of Saratoga and State of New York.

Milo B. Greene, to be postmaster at Alfred, in the county of Allegany and State of New York.

Mark Sternberger, to be postmaster at Jackson, in the county of Jackson and State of Ohio.

John O. Burton, to be postmaster at Weldon, in the county of Halifax and State of North Carolina.

George L. Patterson, to be postmaster at Concord, in the county of Cabarrus and State of North Carolina.

William J. Hamilton, to be postmaster at Linton, in the county of Greene and State of Indiana.

Ida A. Hewes, to be postmaster at Casper, in the county of Natrona and State of Wyoming.

William F. Hains, to be postmaster at Wilmington, in the county of Clinton and State of Ohio.

L. C. Schultz, to be postmaster at Green River, in the county of Sweetwater and State of Wyoming.

Stephen Farmer, to be postmaster at Greenfield, in the county of Weakley and State of Tennessee.

J. Watts Kearny, to be postmaster at New Orleans, in the parish of Orleans and State of Louisiana.

John M. Benedict, to be postmaster at Centralia, in the county of Lewis and State of Washington.

Drewy W. Rhyne, to be postmaster at Lexington, in the county of Holmes and State of Mississippi.

Louis J. Piernas, to be postmaster at Bay St. Louis, in the county of Hancock and State of Mississippi.

Charles Lattimore, to be postmaster at Milford, in the county of Pike and State of Pennsylvania.

T. A. Cochran, to be postmaster at Apollo, in the county of Armstrong and State of Pennsylvania.

Ralph N. Warner, jr., to be postmaster at Haverford, in the county of Montgomery and State of Pennsylvania.

Abram M. Morrison, to be postmaster at Ennis, in the county of Ellis and State of Texas.

Carrie E. Hoke, to be postmaster at Taylor, in the county of Williamson and State of Texas.

Walter S. Yates, to be postmaster at Forney, in the county of Kaufman and State of Texas.

HOUSE OF REPRESENTATIVES.

FRIDAY, June 27, 1902.

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed with amendments a bill of the House (H. R. 15108) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1902, and for prior years, and for other purposes.

GENERAL DEFICIENCY APPROPRIATION BILL.

Mr. CANNON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 15108, the general deficiency bill, and ask that the House disagree to all of the Senate amendments and ask for a conference thereon.

The SPEAKER. The gentleman from Illinois asks unanimous consent to take from the Speaker's table the bill H. R. 15108, the general deficiency bill, and that the House disagree to the amendments of the Senate and ask for a conference thereon. Is there objection?

Mr. ALEXANDER. Mr. Speaker, reserving the right to object, I would ask the gentleman from Illinois [Mr. CANNON] if it goes to a conference at once if he will allow a separate vote to be taken upon the Buffalo Exposition amendment when it comes back from conference?

Mr. CANNON. Mr. Speaker, I would say to the gentleman from New York that I have not the power to deny a separate vote if I would. Now, then, if the Senate is in earnest in placing on this amendment for the Pan-American Exposition, I have no doubt that the disagreement will be submitted to the House. I want to be fair with the gentleman, and I would state that so far as I am concerned as an individual member of the House I am against the proposition; but when the disagreement is reported the gentleman can make his motion, and if the Senate is in earnest about it there will be a disagreement if I am one of the conferees and my brethren agree with me.

Mr. ALEXANDER. Then, with the understanding that if it comes back from conference there will be an opportunity to take a separate vote on this amendment—

Mr. CANNON. Why, I could not cut the gentleman off from a separate vote if I would.

Mr. ALEXANDER. Would the gentleman from Illinois be willing to consider it now, to have a vote taken to agree to the Buffalo amendment?

Mr. CANNON. The gentleman has that power. I suppose he could call up any one of these amendments. My judgment is, I would say to him, that there is more expedition in the course that I have asked unanimous consent for.

Mr. ALEXANDER. Very well.

Mr. CANNON. But that is only my judgment, and the gentleman could pursue his own course.

Mr. ALEXANDER. Very well.

The SPEAKER. Is there objection to the request of the gentleman from Illinois? [After a pause.] The Chair hears none.

The Chair announced the following conferees on the part of the House: Messrs. CANNON, BARNEY, and LIVINGSTON.

ELIZABETH A. TURNER.

Mr. BROMWELL. Mr. Speaker, I call up a conference report on the bill (S. 5856) granting an increase of pension to Elizabeth A. Turner, and ask unanimous consent that the reading of the report may be dispensed with and the statement be read in its place.

The SPEAKER. The gentleman from Ohio calls up a conference report, and asks unanimous consent to dispense with the reading of the report and that the statement be read.

Mr. GAINES of Tennessee. What is the report about?

Mr. BROMWELL. A conference report on a pension bill.

The SPEAKER. Without objection, this course will be pursued.

There was no objection.

The Clerk read the statement, to be found on page 7442.

Mr. BROMWELL. Mr. Speaker, I move the adoption of the report.

The SPEAKER. The question is on the motion of the gentleman from Ohio.

The question was taken, and the report adopted.

ADELAIDE G. HATCH.

Mr. BROMWELL. Mr. Speaker, I call up a conference report on the bill (S. 3320) granting an increase of pension to Adelaide G. Hatch, and ask unanimous consent that the reading of the report be dispensed with and that the statement be read.

The SPEAKER. The gentleman from Ohio calls up the conference report and asks unanimous consent that the reading of the report be dispensed with and the statement be read. Without objection this course will be pursued.

There was no objection.

The Clerk read the statement, to be found on page 7442.

Mr. BROMWELL. Mr. Speaker, I move the adoption of the report.

The SPEAKER. The question is on agreeing to the conference report.

The report was agreed to.

CLARA W. M'NAIR.

Mr. BROMWELL. Mr. Speaker, I call up a conference report on the bill (S. 1225) granting an increase of pension to Clara W. McNair, and ask unanimous consent that the reading of the report be dispensed with and that the statement be read.

The SPEAKER. The gentleman from Ohio calls up a conference report and asks unanimous consent that the reading of the report be dispensed with and that the statement be read. Without objection, this course will be pursued.

There was no objection.

The Clerk read the statement, to be found on page 7442.

Mr. BROMWELL. Mr. Speaker, I move the adoption of the conference report.

The SPEAKER. The question is on the motion of the gentleman from Ohio to agree to the conference report.

The question was taken, and the report agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had disagreed to the amendment of the House of Representatives to the bill (S. 2295) temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes, had asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. LODGE, Mr. ALLISON, and Mr. CULBERSON as conferees on the part of the Senate.

CLAYTON P. VAN HOUTEN.

Mr. BROMWELL. Mr. Speaker, I call up the conference report on the bill (S. 5506) granting an increase of pension to Clayton P. Van Houten.

The conference report and statement were read.

(For conference report and statement see page 7442.)

The conference report was agreed to.

On motion of Mr. BROMWELL, a motion to reconsider the votes by which the several conference reports were adopted was laid on the table.

BRIDGE ACROSS MONONGAHELA RIVER, PENNSYLVANIA.

The SPEAKER. The Chair lays before the House the bill (S. 4611) to authorize the West Elizabeth and Dravosburg Bridge Company to construct and maintain a bridge across the Monongahela River, in the State of Pennsylvania, being similar to a House bill favorably reported and not requiring consideration in Committee of the Whole.

The bill was read. It provides that the West Elizabeth and Dravosburg Bridge Company, a corporation organized under the

laws of the State of Pennsylvania, is hereby authorized to construct, maintain, and operate a bridge across the Monongahela River between a point on the eastern side of said river, at or near property of the Glassport Brick Company, in the borough of Port Vue, in the county of Allegheny, and a point on the western side of said river, in the township of Jefferson, in said county, on property of the Monongahela River Consolidated Coal and Coke Company, fronting on the public road, known as the river road, between Dravos and West Elizabeth.

The bill was ordered to a third reading, and was accordingly read the third time, and passed.

On motion of Mr. GRAHAM, a motion to reconsider the last vote was laid on the table.

By unanimous consent, the bill H. R. 12706, being the corresponding House bill, was ordered to lie on the table.

PROMOTIONS AND RETIREMENTS IN THE ARMY.

Mr. MONDELL. Mr. Speaker, I am authorized by the Committee on Military Affairs to call up a privileged resolution, No. 284.

The SPEAKER. The gentleman from Wyoming, from the Committee on Military Affairs, calls up a privileged resolution, which the Clerk will report.

The resolution was read, as follows:

Resolved, That the Secretary of War be, and he is hereby, directed to inform the House of Representatives of the number of promotions made in the Army since the 1st day of April, 1898, of officers, together with their names and rank, who have been retired within one year of their last promotion with a higher grade than that held at the time of their promotion, and the said Secretary of War is also directed to report to the House of Representatives the additional cost to the Government by reason of these promotions and retirements.

Mr. RICHARDSON of Tennessee. I should like to understand this resolution. I do not know why it is privileged.

The SPEAKER. It is a seven-day resolution of inquiry.

Mr. RICHARDSON of Tennessee. A resolution of inquiry addressed to the head of a department?

Mr. MONDELL. A resolution of inquiry addressed to the Secretary of War, and I am instructed by the Committee on Military Affairs to move that the resolution be adopted.

The resolution was agreed to.

BRIDGE ACROSS MISSOURI RIVER, PIERRE, S. DAK.

Mr. BURKE of South Dakota. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 14082) to provide for the construction of a bridge by the Duluth, Pierre and Black Hills Railroad Company across the Missouri River, at Pierre, S. Dak.

The bill was read. It provides that the Duluth, Pierre and Black Hills Railroad Company, a corporation duly organized under the general incorporation laws of the State of South Dakota, its successors and assigns, is hereby authorized to construct and maintain a bridge across the Missouri River at or near the city of Pierre, Hughes County, S. Dak., and also to lay on and over said bridge a railway track or tracks for the passage of railway trains; and said corporation may construct and maintain ways for wagons, carriages, and foot passengers, charging and receiving such reasonable tolls therefor as may be approved from time to time by the Secretary of War.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to be engrossed and read a third time; and was accordingly read the third time, and passed.

On motion of Mr. BURKE of South Dakota, a motion to reconsider the last vote was laid on the table.

COURT OF APPEALS, ATLANTA, GA.

Mr. FLEMING. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 5383) providing that the circuit court of appeals of the fifth judicial circuit of the United States shall hold at least one term of said court annually in the city of Atlanta, in the State of Georgia, on the first Monday in October in each year.

The bill was read.

The amendments recommended by the Committee on the Judiciary were read.

The SPEAKER. Is there objection?

There was no objection.

The amendments recommended by the committee were agreed to.

The bill as amended was ordered to a third reading, and was accordingly read the third time, and passed.

On motion of Mr. FLEMING, a motion to reconsider the last vote was laid on the table.

GEORGE H. PAUL.

Mr. OTJEN. Mr. Speaker, I ask unanimous consent for the present consideration of the bill I send to the desk.

The Clerk read as follows:

A bill (S. 1949) to authorize the Secretary of the Navy to appoint George H. Paul a warrant machinist in the Navy.

Be it enacted, etc. That the Secretary of the Navy is hereby authorized to appoint George H. Paul to fill an original vacancy in the 100 warrant machinists in the Navy, authorized by section 14 of the act approved March 3, 1899, entitled "An act to reorganize and increase the efficiency of the personnel of the Navy and Marine Corps of the United States," notwithstanding he was about seven months beyond the age limit at the time of examination he having passed the examination, near the top of the list, under a misapprehension as to the age limit, and having served twelve months at the Naval Academy and four years at sea in the Government service as an engineer.

The SPEAKER. Is there objection?

Mr. RICHARDSON of Tennessee. Reserving the right to object, Mr. Speaker, I would like to have some explanation as to what this bill does and the necessity for it. I ask for order, that we may hear the gentleman.

Mr. OTJEN. Mr. Speaker, this young man took the examination for a warrant machinist, and after he had taken the examination it was found that he was seven months over the age limit. The Secretary of the Navy recommends that he be appointed. The bill has passed the Senate, and it has been recommended by the Committee on Naval Affairs.

The SPEAKER. Is there objection?

Mr. RICHARDSON of Tennessee. There are no peculiar reasons for the action?

Mr. OTJEN. He passed a very high examination and stands very nearly at the top of the list. He has served one year in the Naval Academy. He has had four years of sea experience, and the Secretary of the Navy is holding one of these places open for him, and on account of his high examination and experience recommends his appointment.

Mr. RICHARDSON of Tennessee. I do not like this matter of special legislation, Mr. Speaker, and without further understanding the matter I shall object to its consideration.

The SPEAKER. Objection is made.

Subsequently,

The SPEAKER. The Chair is advised that the gentleman from Tennessee has withdrawn objection to the bill called up by the gentleman from Wisconsin [Mr. OTJEN].

Mr. RICHARDSON of Tennessee. Mr. Speaker, I made the objection. After an examination of the bill, so far as I am concerned, I have no further objection to its consideration.

The SPEAKER. Is there further objection?

Mr. MOON. Mr. Speaker, I object.

The SPEAKER. Does the gentleman object?

Mr. MOON. I do.

The SPEAKER. Objection is again made.

MARINE-HOSPITAL SERVICE.

Mr. ADAMSON. Mr. Speaker, by instruction of the Committee on Interstate and Foreign Commerce I desire to ask unanimous consent for the consideration of the bill (S. 2162).

The Clerk read as follows:

A bill (S. 2162) to increase the efficiency and change the name of the United States Marine-Hospital Service.

Be it enacted, etc. That the United States Marine-Hospital Service shall hereafter be known and designated as the Public Health and Marine-Hospital Service of the United States, and the Supervising Surgeon-General and the officers now or hereafter commissioned under the act of January 4, 1889, entitled "An act to regulate appointments in the Marine-Hospital Service of the United States," and acts amendatory thereof, shall hereafter be known as the Surgeon-General, surgeons, passed assistant surgeons, and assistant surgeons of the Public Health and Marine-Hospital Service of the United States. Nothing in this act contained shall be held or construed to discharge any of the officers above named, or any of the acting assistant surgeons, pharmacists, and other employees of the Marine-Hospital Service, or to deprive any officer of his commission or the benefits derived by longevity of service. The care of sick and disabled seamen and all other duties now required by law to be performed by the Marine-Hospital Service shall hereafter be performed by the Public Health and Marine-Hospital Service, and all funds and appropriations now provided by law for use by the Marine-Hospital Service and all properties and rights pertaining to said service shall be available for use for like purposes and in like manner, under the Treasury Department, by the Public Health and Marine-Hospital Service.

SEC. 2. That the salary of the Surgeon-General of the Public Health and Marine-Hospital Service shall be \$5,000 per annum, and the salaries and allowances of the commissioned medical officers of said service shall be the same as now provided by regulations of the Marine-Hospital Service.

SEC. 3. That commissioned medical officers, when detailed by the Surgeon-General for duty in the Public Health and Marine-Hospital Bureau at Washington, D. C., in charge of the administrative divisions thereof, namely, marine hospitals and relief, domestic quarantine, foreign and insular quarantine, personnel and accounts, sanitary reports and statistics, and scientific research, shall, while thus serving, be assistant surgeons-general of the Public Health and Marine-Hospital Service, but their pay and allowances shall be the same as now provided by regulations of the Marine-Hospital Service for officers in charge of said divisions; and the senior officer thus serving shall be the assistant within the meaning of section 178, Revised Statutes of the United States: *Provided, however*, That no such officer shall be detailed in charge of said divisions who is below the rank of passed assistant surgeon.

SEC. 4. That the President is authorized, in his discretion, to utilize the Public Health and Marine-Hospital Service in times of threatened or actual war to such extent and in such manner as shall in his judgment promote the public interest without, however, in any wise impairing the efficiency of the service for the purposes for which the same was created and is maintained.

SEC. 5. That there shall be an advisory board for the hygienic laboratory provided by the act of Congress approved March 3, 1901, for consultation with the Surgeon-General of the Public Health and Marine-Hospital Service

relative to the investigations to be inaugurated, and the methods of conducting the same, in said laboratory. Said board shall consist of three competent experts, to be detailed from the Army, the Navy, and the Bureau of Animal Industry by the Surgeon-General of the Army, the Surgeon-General of the Navy, and the Secretary of Agriculture, respectively, which experts, with the director of the said laboratory, shall be ex officio members of the board, and serve without additional compensation. Five other members of said board shall be appointed by the Surgeon-General of the Public Health and Marine-Hospital Service, with the approval of the Secretary of the Treasury, who shall be skilled in laboratory work in its relation to the public health, and not in the regular employment of the Government. The said five members shall each receive compensation of \$10 per diem while serving in conference, as aforesaid, together with allowance for actual and necessary traveling expenses and hotel expenses while in conference. Said conference is not to exceed ten days in any one fiscal year. The term of service of the five members of said board, not in the regular employment of the Government, first appointed shall be so arranged that one of said members shall retire each year, the subsequent appointments to be for a period of five years. Appointments to fill vacancies occurring in a manner other than as above provided shall be made for the unexpired term of the member whose place has become vacant.

SEC. 6. That there shall be appointed by the Surgeon-General, with the approval of the Secretary of the Treasury, whenever, in the opinion of the Surgeon-General, commissioned medical officers of the Public Health and Marine-Hospital Service are not available for this duty by detail, competent persons to take charge of the divisions, respectively, of chemistry, zoology, and pharmacology of the hygienic laboratory, who shall each receive such pay as shall be fixed by the Surgeon-General, with the approval of the Secretary of the Treasury. The director of the said laboratory shall be an officer detailed from the corps of commissioned medical officers of the Public Health and Marine-Hospital Service, as now provided by regulations for said detail from the Marine-Hospital Service, and while thus serving shall have the pay and emoluments of a surgeon: *Provided*, That all commissioned officers of the Public Health and Marine-Hospital Service not below the grade of passed assistant surgeon shall be eligible to assignment to duty in charge of the said divisions of the hygienic laboratory, and while serving in such capacity shall be entitled to the pay and emoluments of their rank.

SEC. 7. That when, in the opinion of the Surgeon-General of the Public Health and Marine-Hospital Service of the United States, the interests of the public health would be promoted by a conference of said service with State or Territorial boards of health, quarantine authorities, or State health officers, the District of Columbia included, he may invite as many of said health and quarantine authorities as he deems necessary or proper to send delegates, not more than one from each State or Territory and District of Columbia, to said conference: *Provided*, That an annual conference of the health authorities of all the States and Territories and the District of Columbia shall be called, each of said States, Territories, and the District of Columbia to be entitled to one delegate: *And provided further*, That it shall be the duty of the said Surgeon-General to call a conference upon the application of not less than five State or Territorial boards of health, quarantine authorities, or State health officers, each of said States and Territories joining in such request to be represented by one delegate.

SEC. 8. That to secure uniformity in the registration of mortality, morbidity, and vital statistics it shall be the duty of the Surgeon-General of the Public Health and Marine-Hospital Service, after the annual conference required by section 7 to be called, to prepare and distribute suitable and necessary forms for the collection and compilation of such statistics, and said statistics, when transmitted to the Public Health and Marine-Hospital Bureau on said forms, shall be compiled and published by the Public Health and Marine-Hospital Service as a part of the health reports published by said service.

SEC. 9. That the President shall from time to time prescribe rules for the conduct of the Public Health and Marine-Hospital Service. He shall also prescribe regulations respecting its internal administration and discipline, and the uniforms of its officers and employees. It shall be the duty of the Surgeon-General to transmit annually to the Secretary of the Treasury, for transmission by said Secretary to Congress, a full and complete report of the transactions of said service, including a detailed statement of receipts and disbursements.

Mr. MANN. Mr. Speaker, is this a request for unanimous consent?

The SPEAKER. It is.

Mr. MANN. Well, Mr. Speaker, I think that bill is too important a measure to be considered by unanimous consent without going into Committee of the Whole, and I object.

The SPEAKER. Objection is made.

PHILIPPINE GOVERNMENT.

Mr. COOPER of Wisconsin. Mr. Speaker, I call up the Philippine government bill, and move that the House insist upon its amendments disagreed to by the Senate and agree to the conference asked.

The SPEAKER. The gentleman from Wisconsin moves that the House insist on its amendments to the Philippine government bill and agree to the conference asked by the Senate.

The question was taken, and the motion was agreed to.

The SPEAKER announced the following conferees: Mr. COOPER of Wisconsin, Mr. PAYNE, Mr. CRUMPACKER, Mr. JONES of Virginia, and Mr. MADDOX.

AMENDMENT OF DISTRICT CODE.

Mr. JENKINS. Mr. Speaker, I desire to submit a conference report.

The SPEAKER. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (S. 493) to amend an act entitled "An act to establish a code of law for the District of Columbia."

The SPEAKER. The report and statement will be printed, under the rule.

The report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House of Representatives to the bill (S. 493) to amend an act entitled "An act to establish a code of law for the District of Columbia,"

having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House, and agree to the same with amendments as follows:

In said amendment, page 1, line 8, strike out "four" and insert "six." On page 2 strike out lines 7 to 15, inclusive, and in lieu thereof insert the following:

"And said supreme court shall from time to time divide the said district into subdistricts and prescribe the place in each subdistrict where the justice thereof shall have his office for the transaction of business, and may change the boundaries of such subdistricts and the localities of the offices of the justices therein from time to time as the volume and convenience of the business may require. No justice of the peace during his term of office shall engage in the practice of the law, subject to the penalty of removal from his office. When the number of such justices of the peace shall be reduced by death, resignation, or expiration of term of service, or otherwise, to six, the number of such justices of the peace shall be six only, and if the number shall not be reduced to six until the expiration of the term of the present justices of the peace, only six vacancies shall then be filled."

On page 3 strike out line 1.

On page 5, line 18, after "President," insert "by and with the advice and consent of the Senate."

On page 14, line 19, strike out "drunkards" and insert "any person."

On page 16, line 9, after "compensation," insert "at the rate of \$4,000 per annum;" and in line 10, after the word "wills," add the following proviso: "And provided further, That the employees of said office shall not be in excess of the number actually necessary for the proper conduct of the office of said register of wills."

On page 32, line 25, strike out "five" and insert "fifth."

On page 35, line 25, strike out "live" and insert "life."

On page 56 strike out lines 23, 24, and 25; and on page 57 strike out lines 1 and 2, and in lieu thereof insert the following:

"Sec. 1073a. Whenever the court shall be satisfied that the party producing a witness has been taken by surprise by the testimony of such witness such party may, in the discretion of the court, be allowed to prove, for the purpose only of affecting the credibility of the witness, that the witness has made to such party or to his attorney statements substantially variant from his sworn testimony about material facts in the cause; but before such."

On page 61, line 1, strike out "such person or corporation" and insert "the creditor."

On page 64, line 1, strike out "four" and insert "five."

On page 64, line 15, after "court," insert "holding an equity term;" and in line 18, after the word "infant," add "The court shall have power, in its discretion, to grant the prayer of such petition."

On page 68, line 10, strike out "line 3" and insert "lines 2 and 3."

And the House agree to the same.

JOHN J. JENKINS,

SAML. W. SMITH,

W. S. COWHERD,

Managers on the part of the House.

J. C. PRITCHARD,

W. P. DILLINGHAM,

THOMAS S. MARTIN,

Managers on the part of the Senate.

The statement is as follows:

Statement of the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill S. 493, "An act to amend an act entitled 'An act to establish a code of law for the District of Columbia.'"

The first amendment provides for a reduction in the number of the justices of the peace from ten to six, instead of to four, as provided by the House, the reduction to take place as the present justices retire from office, either by death, resignation, or expiration of terms.

The second amendment provides for changes in the subdistricts to correspond with the reduction of the number of justices of the peace.

The third amendment leaves section 7 of the code as it is at the present time.

The fourth amendment provides that the nominations of justices of the peace shall continue to be confirmed by the Senate.

The fifth amendment is simply a change in legal phraseology.

The sixth amendment provides that the employees of the office of the register of wills shall be restricted to the number actually necessary to the proper conduct of that office, and makes the compensation of this officer to correspond with that received by the register of deeds and the clerk of the supreme court of the District of Columbia.

The further amendments are simply verbal, or changes in the legal phraseology.

JOHN J. JENKINS,

SAML. W. SMITH,

W. S. COWHERD,

Managers on the part of the House.

AUTOMATIC CAR COUPLERS.

Mr. WANGER. Mr. Speaker, I ask unanimous consent for the present consideration of the bill which I send to the desk.

The Clerk read as follows:

A bill (H. R. 15144) to amend an act entitled "An act to promote the safety of employees and travelers upon railroads by compelling common carriers engaged in interstate commerce to equip their cars with automatic couplers and continuous brakes and their locomotives with driving-wheel brakes, and for other purposes," approved March 2, 1893, and amended April 1, 1896.

Be it enacted, etc., That the provisions and requirements of the act entitled "An act to promote the safety of employees and travelers upon railroads by compelling common carriers engaged in interstate commerce to equip their cars with automatic couplers and continuous brakes and their locomotives with driving-wheel brakes, and for other purposes," approved March 2, 1893, and amended April 1, 1896, shall be held to apply to common carriers by railroads operated by steam power in the Territories and the District of Columbia; and the provisions and requirements hereof, and of said acts relating to automatic couplers, grab irons, and the height of drawbars, shall be held to apply to all locomotives, tenders, cars, and similar vehicles used on any railroad operated by steam power engaged in interstate commerce, and in the Territories and the District of Columbia, and to all other locomotives, tenders, cars, and similar vehicles used in connection therewith, excepting those trains, cars, and locomotives exempted by the provisions of section 6 of said act of March 2, 1893, as amended by the act of April 1, 1896; and the grab irons or hand holds in the ends of locomotives and tenders shall extend the full length of the end sills thereof, and shall extend upward at least 4 inches clear of any obstruction.

Sec. 2. That whenever, as provided for in said act, any car is equipped with train or power brakes in condition to be operated the same shall be

used and operated in every train in which such car is hauled, unless independently of such car 65 per cent of the cars in such train are equipped with power or train brakes and are associated together and so used and operated in such train: *Provided*, That nothing in this act shall be held to release any common carrier from any of the provisions or requirements of said act approved March 2, 1893, and amended April 1, 1896.

Sec. 3. That the provisions of section 1 of this act shall not take effect until January 1, 1903, and the provisions of section 2 of this act shall not take effect until ninety days after the passage of this act.

Mr. BINGHAM. Mr. Speaker, I object.

The SPEAKER. Objection is made.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had insisted upon its amendments to the bill (H. R. 15108) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1902, and for prior years, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. HALE, Mr. ALLISON, and Mr. TELLER as the conferees on the part of the Senate.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House of Representatives to the bill (S. 493) to amend an act entitled "An act to establish a code of laws for the District of Columbia."

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House of Representatives to the bill (S. 3360) for the promotion of First Lieut. Joseph M. Simms, Revenue-Cutter Service.

ARTURO R. CALVO.

Mr. SLAYDEN. Mr. Speaker, I desire to call up and ask unanimous consent for the consideration of Senate joint resolution 118.

The Clerk read as follows:

A joint resolution (S. R. 118) authorizing the Secretary of War to receive for instruction at the Military Academy at West Point Arturo R. Calvo, of Costa Rica.

Resolved, etc., That the Secretary of War be, and he hereby is, authorized to permit Arturo R. Calvo, of Costa Rica, to receive instruction at the Military Academy at West Point: *Provided*, That no expense shall be caused to the United States thereby: *And provided further*, That in the case of the said Arturo R. Calvo the provisions of sections 1320 and 1321 of the Revised Statutes shall be suspended.

The SPEAKER. Is there objection?

Mr. MOON. I object, Mr. Speaker.

The SPEAKER. Objection is made.

HOUSE CALENDAR.

Mr. HEATWOLE. Mr. Speaker, I am directed by the Committee on Printing to ask for the present consideration of the following privileged resolution, No. 319.

The Clerk read as follows:

Resolved, That of the last issue of the House Calendar for the first session of the Fifty-seventh Congress there shall be printed as a House document 1,000 copies, of which number 400 copies shall be bound in cloth, for the use of the House.

The resolution was agreed to.

REPORT OF THE DAUGHTERS OF THE AMERICAN REVOLUTION.

Mr. HEATWOLE. Mr. Speaker, I am also directed by the Committee on Printing to call up Senate concurrent resolution No. 27.

The Clerk read as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed 7,500 additional copies of Senate Document No. 164, third session Fifty-fifth Congress, being the report of the Daughters of the American Revolution for 1890 to 1897, together with the historical preface herewith, indorsed by the board of management of that society, of which 2,500 shall be for the use of the Senate and 5,000 for the use of the House of Representatives.

The resolution was agreed to.

On motion of Mr. HEATWOLE, a motion to reconsider the last two votes was laid on the table.

CAPT. SIDNEY S. SHAW.

Mr. RUCKER. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 7539) for the relief of Capt. Sidney S. Shaw.

The Clerk read the bill at length.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. MOON. I object.

The SPEAKER. Objection is made by the gentleman from Tennessee.

NATIONAL ENCAMPMENT OF THE GRAND ARMY OF THE REPUBLIC.

Mr. BABCOCK. Mr. Speaker, I ask unanimous consent for the present consideration of House joint resolution 198, giving authority to the Commissioners of the District of Columbia to make special regulations for the occasion of the Thirty-sixth National Encampment of the Grand Army of the Republic, to be

held in the District of Columbia in the month of October, 1902, and for other purposes incident to said encampment.

The Clerk read the joint resolution at length.

The SPEAKER. Is there objection to the present consideration of the joint resolution?

Mr. MOON. I object.

The SPEAKER. Objection is made by the gentleman from Tennessee.

AMENDING SECTIONS 3362 AND 3394 OF REVISED STATUTES.

Mr. GROSVENOR. Mr. Speaker, I call up the privileged bill (S. 3896) to amend section 3362 of the Revised Statutes, relating to tobacco.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 3362 of the Revised Statutes, as amended by the act of March 1, 1879, and by the act of January 9, 1883, be, and the same is hereby, amended by striking all out after the fifth paragraph thereof and inserting in lieu of the words so stricken out the following:

"And every such wooden package shall have printed or marked thereon the manufacturer's name and place of manufacture, the registered number of the manufactory, and the gross weight, the tare, and the net weight of the tobacco in each package: *Provided*, That these limitations and descriptions of packages shall not apply to tobacco and snuff transported in bond for exportation and actually exported: *And provided further*, That perique tobacco, fine-cut shorts, the refuse of fine-cut chewing tobacco, refuse scraps, clippings, cuttings, and sweepings of tobacco may be sold in bulk as material, and without the payment of tax, by one manufacturer directly to another manufacturer, or for export, under such restrictions, rules, and regulations as the Commissioner of Internal Revenue may prescribe: *And provided further*, That wood, metal, paper, or other materials may be used separately or in combination for packing tobacco, snuff, and cigars under such regulations as the Commissioner of Internal Revenue may establish."

The following amendment was recommended by the committee:

Add the following as section 2:

"SEC. 2. That the last paragraph of section 3394 of the Revised Statutes, as amended by the tenth section of the act of July 24, 1897, is hereby further amended so as to read as follows:

"No packages of manufactured tobacco, snuff, cigars, or cigarettes prescribed by law shall be permitted to have packed in or attached to or connected with them, nor affixed to, branded, stamped, marked, written, or printed upon them, any paper, certificate, or instrument purporting to be or represent a ticket, chance, share, or interest in or dependent upon the event of a lottery, nor any indecent or immoral picture, representation, print, or words; and any violation of the provisions of this paragraph shall subject the offender to the penalties and punishments provided by section 3456 of the Revised Statutes."

Mr. RICHARDSON of Tennessee. Mr. Speaker, I desire to ask the gentleman from Ohio if this has been reported from the committee.

Mr. GROSVENOR. It is the unanimous report of the Committee on Ways and Means. There is an amendment to the bill, Mr. Speaker.

The amendment was agreed to.

The bill was ordered to be read the third time, was read the third time, and passed.

On motion of Mr. GROSVENOR, a motion to reconsider the last vote was laid on the table.

Mr. GROSVENOR. I desire to ask unanimous consent to amend the title by adding "section 3394." The amendment amends another section, so that the title does not cover both sections.

The SPEAKER. Without objection, the amendment of the title will be agreed to.

There was no objection.

Mr. SULZER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. SULZER. The bill having been passed, will not the gentleman have to move to reconsider?

The SPEAKER. Not where unanimous consent is given to amend the title, as is customary.

AMENDMENT TO INTERNAL-REVENUE LAWS.

Mr. DALZELL. Mr. Speaker, I call up the privileged bill (H. R. 179) to amend the internal-revenue laws.

The Clerk read the bill, as follows:

Be it enacted, etc., That all distilled spirits now in internal-revenue bonded warehouses or which may hereafter be produced and deposited in such warehouses shall be entitled to the same allowance for loss from leakage or evaporation which now exists in favor of distilled spirits produced, gauged, and so deposited prior to January 1, 1899, and subject to the same conditions and limitations.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time; and it was read the third time, and passed.

On motion of Mr. DALZELL, a motion to reconsider the last vote was laid on the table.

CONTESTED-ELECTION CASE—HORTON AGAINST BUTLER.

Mr. TAYLER of Ohio. I call up the contested-election case of Horton v. Butler, from the Twelfth Congressional district of Missouri. I ask that the resolution reported by the committee be read.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I desire to make a parliamentary inquiry. Is not this day set apart under the rules as the day for invalid pensions?

The SPEAKER. It is; but the election case is of higher privilege.

Mr. RICHARDSON of Tennessee. Surely we are not going to set aside the pension business assigned by the rules for to-day in order to take up an election contest where no one is to be seated. Surely gentlemen do not desire to do that. I wish to raise the question of consideration.

The SPEAKER. The resolution will first be read.

The Clerk read as follows:

Resolved, That no valid election for Representative in Congress was held in the Twelfth Congressional district of Missouri on the 6th day of November, 1900, and that the seat now held by the contestee is hereby declared vacant.

Mr. BOWIE. Mr. Speaker, I would like to have about five minutes by unanimous consent.

Mr. TAYLER of Ohio. I demand the regular order.

The SPEAKER. The regular order is demanded. The gentleman from Tennessee raises the question of consideration.

Mr. RICHARDSON of Tennessee. I understand that Mr. Butler, the contestee in this case, is sick in bed, and that his physician certifies he is not able to be here.

The SPEAKER. The question of consideration is not debatable.

Mr. TAYLER of Ohio. I call for the regular order.

Mr. RICHARDSON of Tennessee. I remind gentlemen that this is the last day of the present session on which pension business will have any showing. I raise the question of consideration.

The SPEAKER. The gentleman from Tennessee is out of order. The question of consideration has been raised, and is not debatable.

Mr. RICHARDSON of Tennessee. This is the last day you will get for pensions.

The SPEAKER. The gentleman from Tennessee is out of order, and he will please take his seat.

The question being taken, Will the House now consider the resolution reported from the Committee on Elections? there were—ayes 114, noes 88.

Mr. RICHARDSON of Tennessee. I call for tellers.

Tellers were ordered.

Mr. TAYLER of Ohio. I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 146, nays 112, answered "present" 12, not voting 80; as follows:

YEAS—146.

Adams,	Darragh,	Howell,	Powers, Mass.
Alexander,	Davidson,	Hughes,	Prince,
Allen, Me.	Dayton,	Jack,	Ray, N. Y.
Aplin,	Deemer,	Jones, Wash.	Reeves,
Babcock,	Dick,	Ketcham,	Roberts,
Ball, Del.	Douglas,	Knapp,	Rumple,
Bartholdt,	Dovener,	Knox,	Schirm,
Bates,	Draper,	Kyle,	Scott,
Beidler,	Eddy,	Lacey,	Shattuc,
Bingham,	Foerderer,	Lawrence,	Showalter,
Bishop,	Foss,	Lessler,	Sibley,
Blackburn,	Foster, Vt.	Lewis, Pa.	Smith, Ill.
Boutell,	Fowler,	Littlefield,	Smith, Iowa
Bowersock,	Gaines, W. Va.	Loud,	Smith, S. W.
Brick,	Gardner, Mich.	Lovering,	Southard,
Bristow,	Gardner, N. J.	McCall,	Southwick,
Bromwell,	Gibson,	McLachlan,	Sperry,
Brown,	Gill,	Mahon,	Steele,
Brownlow,	Gillet, N. Y.	Mann,	Stevens, Minn.
Burk, Pa.	Graff,	Marshall,	Stewart, N. J.
Burke, S. Dak.	Graham,	Martin,	Stewart, N. Y.
Burleigh,	Greene, Mass.	Mercer,	Sulloway,
Burton,	Grosvenor,	Miller,	Sutherland,
Butler, Pa.	Grow,	Moody, N. C.	Tawney,
Calderhead,	Hamilton,	Moody, Oreg.	Taylor, Ohio
Capron,	Hanbury,	Morgan,	Thomas, Iowa
Cassel,	Haskins,	Morrell,	Tirrell,
Conner,	Heatwole,	Moss,	Tongue,
Coombs,	Hedge,	Mudd,	Van Voorhis,
Cousins,	Hemenway,	Nevin,	Wachter,
Cromer,	Henry, Conn.	Olmsted,	Wadsworth,
Crumpacker,	Hepburn,	Otjen,	Wanger,
Currier,	Hildebrandt,	Overstreet,	Warner,
Curtis,	Hill,	Palmer,	Warnock,
Cushman,	Hitt,	Payne,	Watson.
Dahle,	Holliday,	Pearre,	
Dalzell,	Hopkins,	Perkins,	

NAYS—112.

Adamson,	Clayton,	Griffith,	Lewis, Ga.
Allen, Ky.	Cooper, Tex.	Griggs,	Lindsay,
Ball, Tex.	Cowherd,	Hay,	Little,
Bankhead,	Davey, La.	Hooker,	Livingston,
Bartlett,	De Armond,	Howard,	Lloyd,
Bell,	Dinsmore,	Jackson, Kans.	McClellan,
Benton,	Dougherty,	Johnson,	McCulloch,
Bowie,	Feely,	Jones, Va.	McDermott,
Brantley,	Finley,	Kehoe,	McRae,
Breazeale,	Fitzgerald,	Kitchin, Claude	Maddox,
Burgess,	Fleming,	Kitchin, Wm. W.	Mahoney,
Burleson,	Flood,	Kieberg,	Maynard,
Burnett,	Foster, Ill.	Kluttz,	Meyer, La.
Caldwell,	Gaines, Tenn.	Lamb,	Mickey,
Candler,	Goldfogle,	Lanham,	Miers, Ind.
Cassingham,	Gordon,	Lassiter,	Moon,
Clark,	Green, Pa.	Lester,	Mutchler,

Napheu,	Rhea, Va.	Sims,	Tate,
Neville,	Richardson, Ala.	Slayden,	Thayer,
Newlands,	Richardson, Tenn.	Small,	Thomas, N. C.
Norton,	Rixey,	Snodgrass,	Thompson,
Padgett,	Robb,	Snook,	Underwood,
Patterson, Tenn.	Robinson, Ind.	Sparkman,	Wiley,
Pierce,	Robinson, Nebr.	Spight,	Williams, Ill.
Pou,	Rucker,	Stark,	Williams, Miss.
Pugsley,	Ryan,	Stephens, Tex.	Wilson,
Randell, Tex.	Shackleford,	Sulzer,	Wooten,
Ransdell, La.	Shafroth,	Swanson,	Zenor.

ANSWERED "PRESENT"—12.

Burkett,	Evans,	Kahn,	Powers, Me.
Cochran,	Irwin,	Metcalf,	Skiles,
Emerson,	Jenkins,	Needham,	Wright.

NOT VOTING—80.

Acheson,	Edwards,	Latimer,	Shallenberger,
Barney,	Elliott,	Lever,	Shelden,
Bellamy,	Esch,	Littauer,	Sheppard,
Belmont,	Fletcher,	Long,	Sherman,
Blakeney,	Fordney,	Loudenslager,	Smith, Ky.
Boreing,	Fox,	McAndrews,	Smith, H. C.
Broussard,	Gilbert,	McCleary,	Smith, Wm. Alden
Brundidge,	Gillett, Mass.	McLain,	Storm,
Bull,	Glenn,	Minor,	Talbert,
Cannon,	Gooch,	Mondell,	Taylor, Ala.
Connell,	Hall,	Morris,	Tompkins, N. Y.
Conry,	Haugen,	Parker,	Tompkins, Ohio
Cooney,	Henry, Miss.	Patterson, Pa.	Trimble,
Cooper, Wis.	Henry, Tex.	Reeder,	Vandiver,
Corliss,	Hull,	Reid,	Vreeland,
Creamer,	Jackson, Md.	Robertson, La.	Weeks,
Crowley,	Jett,	Ruppert,	Wheeler,
Davis, Fla.	Joy,	Russell,	White,
De Graffenreid,	Kern,	Scarborough,	Woods,
Driscoll,	Landis,	Selby,	Young.

So the House decided to consider.

The following pairs were announced:

For the session:

Mr. WRIGHT with Mr. HALL.

Mr. BOREING with Mr. TRIMBLE.

Mr. KAHN with Mr. BELMONT.

Mr. METCALF with Mr. WHEELER.

Mr. BULL with Mr. CROWLEY.

Mr. IRWIN with Mr. GOOCH.

Until further notice:

Mr. JOY with Mr. COCHRAN.

Mr. LOUDENSLAGER with Mr. DE GRAFFENREID.

Mr. HENRY C. SMITH with Mr. TAYLOR of Alabama.

Mr. JENKINS with Mr. SMITH of Kentucky.

Mr. HAUGEN with Mr. LEVER.

Mr. SKILES with Mr. TALBERT.

Mr. DRISCOLL with Mr. ROBINSON of Nebraska.

Mr. EMERSON with Mr. GILBERT.

Mr. SHERMAN with Mr. RUPPERT.

For two weeks:

Mr. WEEKS with Mr. SHEPPARD.

For ten days:

Mr. BURKETT with Mr. SHALLENBERGER.

Until the 28th:

Mr. EVANS with Mr. HENRY of Mississippi.

For the day:

Mr. NEEDHAM with Mr. BRUNDIDGE.

Mr. POWERS of Maine with Mr. FOX.

Mr. RUSSELL with Mr. ROBERTSON of Louisiana.

Mr. WM. ALDEN SMITH with Mr. JETT.

Mr. REEDER with Mr. SELBY.

Mr. PATTERSON of Pennsylvania with Mr. SCARBOROUGH.

Mr. MINOR with Mr. MC LAIN.

Mr. MCCLEARY with Mr. MCANDREWS.

Mr. LONG with Mr. LATIMER.

Mr. LANDIS with Mr. HENRY of Texas.

Mr. HULL with Mr. GLENN.

Mr. ESCH with Mr. ELLIOTT.

Mr. CORLISS with Mr. KERN.

Mr. SHELLEN with Mr. EDWARDS.

Mr. CONNELL with Mr. DAVIS of Florida.

Mr. FORDNEY with Mr. REID.

Mr. CANNON with Mr. CREAMER.

Mr. BARNEY with Mr. CONRY.

Mr. ACHESON with Mr. BROUSSARD.

Mr. STORM with Mr. BELLAMY.

Mr. WOODS with Mr. WHITE.

Mr. VREELAND with Mr. VANDIVER.

Mr. YOUNG with Mr. COONEY.

The result of the vote was announced as above recorded.

The SPEAKER. The Chair will recognize the gentleman from Ohio [Mr. TAYLER].

Mr. TAYLER of Ohio. Mr. Speaker, I am just in the midst of a conference with the gentleman from Alabama [Mr. BOWIE] and his colleague respecting the time that the debate shall endure.

Mr. BOWIE. Mr. Speaker, I would make this suggestion, that the gentleman proceed and grant time to whoever is to open on

this side, and, pending that, we can confer as to the time. I wish to confer with some gentlemen on this side of the House.

Mr. TAYLER of Ohio. I was anxious to know at this time if there was to be no debate.

Mr. BOWIE. I would not agree to have no debate.

Mr. TAYLER of Ohio. Of course I do not desire to compel anybody to withhold debate. I yield, then, to my colleague [Mr. SMITH of Iowa], to speak in his own time.

Mr. SMITH of Iowa. Mr. Speaker, this contest was instituted by William N. Horton, who was a Republican candidate for Congress from the Twelfth district of Missouri in the election of 1900, as against James J. Butler, who was the Democratic nominee and who received his certificate of election. The Committee on Elections No. 1, having had this matter under consideration, have reported in favor of declaring the seat vacant. Before proceeding to a discussion of the facts in this particular case, I desire to call attention to those laws of the State of Missouri which are applicable to it. It is provided by the constitution of the State of Missouri that every ballot shall be so marked as that it can be determined after the election who cast that ballot. As a matter of fact, in Missouri the name of every voter is given a number at the time he casts his ballot and his ballot is given the same number, and so it becomes possible in the case of an election contest to determine, in the absence of mistakes upon the part of the election officers, the name of every person who cast a ballot in that election.

In the State of Missouri the city of St. Louis is usually Republican and the State usually Democratic; and to remove the patronage from the city government, or for other causes which are not material here, the legislature of Missouri passed a law creating a police commission in the city of St. Louis, appointed by the governor and having entire control of the police force of that city. This police force, by reason of the political character of the State of Missouri, is and has been ever since the passage of the law referred to a Democratic police force. The law of the State of Missouri provides now that the election commissioners of the city of St. Louis shall also be appointed by the governor.

The Filley law, passed in 1895, provided that two of the election commissioners should be appointed by the governor and one by the mayor, and explicitly provided that the one appointed by the mayor should be of the opposite political faith to that entertained by those appointed by the governor. As the mayor of St. Louis is usually a Republican, practically this law entrusted the appointment of the Democratic members of this commission to the Democratic governor and the appointment of the Republican member to a Republican mayor. But as at times the mayor of St. Louis is a Democrat, it was explicitly provided that he must appoint a commissioner of the leading political party other than that of the governor. This law also provided that the governor should designate the chairman of the election commission, and that the mayor's appointee should be the secretary of the commission.

But in 1899 the law was changed, so that all appointments are made by the governor, and the commission select the secretary from without the board, who is of the political party represented by the majority upon the board. So that while under the former law the Democrats got the chairman of the board and the Republicans the secretary of the board, under the new law the Democracy receives a majority of the board and the chairman and the secretary. Under the old law it was provided that this Republican representative should have the choice of all the judges and clerks representing the Republicans upon the various election boards in the city and county of St. Louis. Under the new law no such power is given to the Republican representative, but the power is intrusted first to the election commission itself, and in their absence to the secretary of the commission, who is clothed with all the powers of the full board when the board are absent or otherwise not in session.

While the new law requires that the Republicans shall be given equal representation upon these election boards, it does not give to the Republicans the choice of their representation upon these boards. A pretense in this case was made of carrying out the law; but in 5 wards of the 15, in this district where the committee have taken the pains to see how these alleged Republican judges and clerks voted, the record shows that 53 voted for the Republican candidate for Congress and 60 voted against the Republican candidate for Congress. An absolute majority of the so-called Republican judges and clerks, so far as they were canvassed by this committee, have voted against the Republican candidate for Congress, and that is the kind of representation that was given to the Republicans upon the election boards in the city of St. Louis. And if we bear this in mind we will be able the better to understand the methods by which the iniquity was carried out in the election of 1900.

Before the election of 1900 it was believed by the Republicans that large numbers of fictitious names had been registered. They

succeeded in getting a list of about fifteen hundred of these names. They sent out registered letters to those persons at the addresses given upon the register books. The post-office officials made special efforts to make delivery of those letters, but were unable to find any substantial number of the persons at the places indicated upon the registration books. Warrants were then sworn out for the arrest of these people, and deputy sheriffs were on election day sent to the polls to arrest such persons as might cast ballots under these names.

But this effort was futile, because on the Sunday night before election there met at the Southern Hotel, in the city of St. Louis, the attorney-general of the State, the chairman of the Democratic State central committee, the chairman of the Democratic city central committee, the Democratic members of the election commission, the Democratic assistant or deputy election commissioner, the Democratic police commissioners, and the chief of the police force of the city of St. Louis, Col. Ed. Butler, and this contestee, James J. Butler, and it was then and there resolved that instructions should be issued to the police force of the city not to allow any deputy sheriff within a hundred feet of the polls.

There is no law in Missouri prohibiting anyone from being within a hundred feet of the polls. There is a law prohibiting electioneering within a hundred feet of the polls. But this collection of gentlemen at the Southern Hotel first procured an order to be issued that these deputy sheriffs should not under any circumstances be allowed within a hundred feet of the polls. It needs but little reflection to see that an order like that would absolutely defeat every effort for the arrest of the guilty, for the names upon the register books were not the names of any human beings. They were mere fictions, put there that repeaters might vote in those names.

No warrants issued for the arrest of these people could be served save only by waiting until some individual gave that name at the ballot box and then laying hands upon him. But the order wisely and discreetly provided that no deputy sheriff should be allowed within 100 feet of the polls, so that he could not hear any name given and make any arrests. Subsequently, discovering that this order was a little too radical, an order was issued that a deputy sheriff might be permitted within a hundred feet of the polls for the purpose of making an arrest of some person who was there situated; but inasmuch as it was utterly impossible for the sheriff to know who was to cast this fraudulent vote unless he could stay close enough to the polls to hear his name given in, of course this accomplished the purpose just as well as the original order. The result was that fraud ran rampant in that district on election day.

Shortly after the election the Republicans, satisfied that the extraordinary change since the last election could but be the result of fraud, took a canvass of all that part of the Twelfth Congressional district where colonization would be apt to take place. At the previous Congressional election the district went Republican by 2,300 majority; at this election there was a majority of 3,500 for Mr. Butler, as shown by official returns, a change of 6,000 votes in favor of the Democracy, when all over that western country they were losing as compared with the vote in 1898 in Congressional matters.

The result was that the Republicans decided to make a house to house canvass in that part of the district where colonization was apt to take place. They did so, and they got a census for all that territory, and when you give to the Democracy of that district credit for every man who had been either upon the Federal census, taken in June of that year, or upon this private census, taken in December of that year, there are 9,180 fraudulent names registered in the Twelfth Congressional district in this election of November, 1900.

In the minority report it is strenuously insisted that this private census can not be considered, that it is hearsay testimony, and they make that and other objections to it. I want to say that I do not care whether this House considers the so-called McBurney canvass or not; the United States census was taken in June, 1900. The registration in the city of St. Louis commenced the same month; and if you take the census, and if you take the register, there were over 12,000 fraudulent votes cast in this district. The McBurney canvass, that our friends have made such a strenuous effort to get out of this case, has credited them with every man who moved into this district between June and December.

So much for the McBurney canvass. Yet it is entitled to weight. It had been taken by an officer of the census. It was taken just like the Federal census, and the parties did not know what they were taking it for. They thought they were taking it for world's fair industrial statistics, so that they had no object or incentive to take it other than fairly and properly. I think it was taken fairly. I think it throws some light upon this question. But if it does not throw any light upon this case, then the only result of that is to deprive our Democratic friends of the

credit of the names found in the McBurney canvass and not found upon the Federal census. Throw it out, therefore, if you want to, but the amount of fraud in this district is all the more apparent.

Our object was to credit them with every honest vote there was in this district, and for any man who had come in since the registry commenced, if they want to count him, and so we consider the McBurney canvass; but throw it out, if you please, and the record shows only more fraud in the Twelfth district of Missouri. Never has such infamy come under my observation in connection with an election as appears upon the record in the case. These people were not satisfied to prostitute a partisan election commission, to prostitute a partisan police force, but proceeded to prostitute the courts of the State of Missouri.

The court of appeals sitting in St. Louis is a Democratic court with three Democratic judges. It is a court of appeals and for the correction of errors. It has absolutely no jurisdiction or authority to grant naturalization papers. But it so happened that the judges of the circuit court and its clerk were Republican; the clerk required the Democrats to pay the statutory fees to be naturalized as he required Republicans to pay these fees.

This court of appeals of the city of St. Louis proceeded in defiance of all law, and without one vestige of authority, State or Federal, to sit for naturalization of aliens, because, forsooth, the Democratic clerk offered to the State committee to issue papers gratuitously. There is not an authority, so far as I know, in this country, and none has been called to my attention, which holds that a court of appeals can sit for the naturalization of aliens. On the contrary, it has been specifically held by the courts of South Carolina and of California that no such power exists.

The authority is conferred by law upon the courts of common-law jurisdiction. Courts of appeal do not have common-law jurisdiction within the meaning of that term as used in this statute. It has never been the practice in this country, so far as I know, to go to appellate tribunals for naturalization papers. This court was composed of three judges. They sat night after night in October, 1900, granting naturalization papers as high as five to six hundred a night. One of the judges of that court had too much decency and too much self-respect to sit during these proceedings. But two of these judges sat there and granted these papers. Every paper thus issued was void for want of jurisdiction in the court.

But I propose to call attention to the proceedings of that tribunal and show that fraud was everywhere. The laws of the United States provide that minors whose parents are naturalized during their minority are naturalized by the naturalization of the parents. The laws of the United States provide that persons who come here under 18 years of age may take out both sets of papers at the same time. Minors as a body, coming here under 16 years, are naturalized by the naturalization of their parents, the great body of them. Minors coming here over 18 years of age have no right to take out both papers at once. And so it is that those who take out both papers at once are substantially confined to those who come here between 16 and 18 years of age.

Now, what does the record show in this court in St. Louis? It shows that prior to October, 1900, only 218 persons in all have been naturalized in this court in its history; but in the month of October, 1900, 1,530 persons were naturalized. Of that number 842 were naturalized adults and 688 were naturalized as having come here minors under 18 years of age. In other words, nearly one-half of those naturalized in that court of appeals succeeded in getting second papers without producing first papers, upon the pretense that they came here under 18 years of age.

It has been my privilege through a course of ten years to have some observation of what percentage of naturalizations are of persons who are entitled to take out both papers at once as having come here under 18 and what percentage have to wait two years between their papers, and I assert that it is the common experience of everyone that not more than 5 to 10 per cent are entitled to take out both sets of papers at once. But down at St. Louis, of this body of Democrats naturalized in a court that had no jurisdiction, substantially one-half of all pretended that they came here under 18 years of age, when if they came here under 16 most of them would have been naturalized by the naturalization of their fathers. It so happens that the years between 16 and 18, of all the years of man between 1 and 70, seem to be the years during which migration takes place, and nearly one-half of all who came here came between 16 and 18 years of age. [Laughter.]

Has there ever been a record of a high judicial tribunal which bore upon its face more manifest evidence of fraud than this record to which I have referred? But these gentlemen collected \$20,000 from the police force of the city of St. Louis alone with which to carry this election. Having by the police-commission law taken the police force out of the jurisdiction of the city of St. Louis and placed it in the control of the men appointed by a

Democratic governor, they put the screws on them and made them contribute more than \$20,000 for the purpose of debauching this particular election.

But all these things would have been unavailing to overcome a Republican majority in this district. The police force went with the gangs of repeaters and kept off from them the deputy sheriffs and other people. The repeaters went about from polling precinct to polling precinct, about 60 of them in a body, and cast their ballots, voting in these fictitious names; and not satisfied with that, the same repeaters would simply go and change their hats and coats and come back and vote again in the same precinct, and this is abundantly established by direct evidence.

Now, I want to call attention to a certain precinct and some facts concerning it—the second precinct in the Twenty-third Ward. A clerk of the elections came out from the polling place and he was asked how many votes had been polled. He replied, 140 votes. I know it is claimed that this is hearsay. It is an official declaration, and I say it is part of the *res gestæ* and is not hearsay in the ordinary sense of that term. I say he came out and made that announcement.

Mr. BOWIE. Is the gentleman referring to the Breitschuh testimony?

Mr. SMITH of Iowa. It is shown by the Breitschuh testimony and an abundance of other testimony. At that time a cry went up, "Here come the Indians;" and it appears in the testimony that down in this virtuous city of St. Louis that term means repeaters. "Here come the Indians!" And this Williams gang went in and voted, and when they had concluded their voting there were 260 votes cast.

Mind you, I do not mean when they had voted once this was the result. These men went out and changed their coats and hats in the presence of respectable people in St. Louis and voted over again in the same precinct, giving new names.

Every time that this gang came to a polling place there was passed out to each of them, as shown by the evidence, a slip telling his name and where he lived. When this crowd had got through voting in this second precinct of the Twenty-third Ward, there were, I say, 260 votes where there had been 140 when they commenced. An examination of the ballots showed that not a single vote from 140 to 260 was cast for the Republican candidate. By some strange mystery 120 Democrats in succession voted in this precinct. But that is not the only remarkable incident here. Not a single one of these 120 names had any middle initial. A strange circumstance that, with probably nine-tenths or more of the American people in possession of two Christian names, not one of these 120 men who voted in succession had any middle initial. Of the voters in this precinct not shown by the McBurney canvass, 130 voted for Butler.

But there were other difficulties to be overcome in carrying out this enterprise than those I have indicated. There was the danger that deputy sheriffs would lay their hands upon these miscreants, and they were driven from the polls by the police force of St. Louis. But there was danger that Republican challengers would interfere with this pleasant procedure, and so, in precinct after precinct, they threw out the Republican challenger and left nobody there to represent the Republicans except these Republican judges and clerks, who, as the returns show, voted the Democratic ticket.

But still there was fear that this corrupt police force had not done enough in contributing \$20,000 to the fund to pay these repeaters and in driving from the polling places in that district the deputy sheriffs, men having equal authority with themselves, and driving away the challengers. Squads of them went down to the polling place just as "the Indians" were coming, and cleared the way to see that no one interfered with them.

Now, by these methods, by fraudulent naturalization, by void naturalization, by corrupt use of money, by fraudulent registration, by using repeaters, by every means known to man by which the ballot box may be debauched, they succeeded in carrying this election, as they claim, for James J. Butler.

But all these things were not, they feared, sufficient. They knew they had taken 60 men from place to place, voting them everywhere—voting them twice in a single precinct. But still they were afraid that they had not stolen enough, and so a canvass of the vote shows that these judges and clerks of integrity stole more than 400 votes in the count. On the report as made out by the minority, not by the majority, we think they stole more than that. It further appears that some of these judges and clerks deliberately turned out Republican ballots with the name of the Republican candidate for Congress erased before the ballots were delivered to the voter. It appears that one Republican judge wanted to challenge a voter, and while he was trying to prepare the challenge blank the Democratic judge took the man's ballot and put it in the box.

Thus by corruption, thus by fraud, thus by force, thus by violence they succeeded in subverting the will of the people in

the Twelfth district of Missouri. You ask me, Why did not the majority vote in favor of seating the Republican member, if this is all true? I will tell you why. We are not desirous of seating any Republican who is not entitled to his seat. We have shown by an abundance of testimony, sufficient to convince the most doubting, that at least 5,000 fraudulent votes were cast for James J. Butler; votes of men who had no existence, votes of men who registered from disreputable houses, 30 of them to a house, and 100 of them to a block in which there was not a respectable house. One hundred of them at a time registered from stables. Men registered from vacant lots, and men registered who, if they had located the number where it would have to be in order to correspond, it would have been in the middle of a public highway. More than 5,000 fraudulent votes were thus cast for James J. Butler.

More than 400 were stolen from Horton in the count, but it does appear that there were 2,000 votes cast for Horton that could not be found in the census or in the McBurney canvass. There is no evidence of repeating. There is no evidence of fraudulent voting. There is no evidence of anything affecting Horton's title, save only the fact that these voters can not be found—not as in Butler's case, proof of padded registration list; not as in Butler's case, proof of interference by the police; not as in Butler's case, partisan judges and partisan clerks allowing the same men to vote two or three times at a precinct. But there is enough doubt in the minds of the members of this committee as to whether Horton got those 2,000 votes fairly, so that we are unwilling to give him this seat.

There is no doubt that the election of Butler is a scandalous fraud. There is some doubt whether Horton was really elected or not; whether he did not get some fraudulent votes, too. I have thought something upon this subject, and I am convinced that the chances are that some of these repeaters that our friends were using down there, some of them Abyssinians, took the advice of "our peerless leader" and took Jim Butler's money and voted for Horton. I do not know whether that accounts for it or not. It may. There is not a particle of evidence tending to reflect upon Horton save only that he got these votes from people who are not found in the district.

Mr. BARTHOLDT. If the gentleman will permit, I would state that the general explanation in St. Louis is that these people simply made a mistake in scratching their ballots. Instead of scratching the Democratic ballot, they scratched Republican ballots, being illiterate men, unable to read.

Mr. SMITH of Iowa. I do not know what the explanation is. That may be it. It may be that accounts for it, but there is no evidence, I say, reflecting upon Horton, aside from this mere canvass.

Mr. BARTLETT. Mr. Speaker, if the gentleman will permit, I have listened with a great deal of interest to what the gentleman has stated. The committee, as I understand it, reports the seat to be vacant.

Mr. SMITH of Iowa. Yes.

Mr. BARTLETT. And the majority of the committee do that, as I understand, because of the fact and from the evidence they arrive at the conclusion that the election was fraudulent, and that on account of the election being fraudulent, the evidence not being sufficient to show for whom these fraudulent votes were cast, sufficient to declare either one or the other entitled to the seat. That is the theory upon which the majority proceed, is it not? That is, you first determine from the evidence which you have stated—

Mr. SMITH of Iowa. No; that is not the theory, if the gentleman asks me that question. Perhaps I had better state that there is no difficulty in telling just exactly who cast every one of those fraudulent votes.

Mr. BARTLETT. May I ask the gentleman this question? He has stated now something about the evidence with reference to certain fraudulent naturalization, some 1,500.

Mr. SMITH of Iowa. Not all of them fraudulent. Some of them fraudulent, but all of them illegal.

Mr. BARTLETT. Perhaps I should have said illegal—on account of want of jurisdiction.

Mr. SMITH of Iowa. And fraudulent as to the character of many of the applicants.

Mr. BARTLETT. Now, was there evidence before the committee, or did the committee run it down far enough to see how many of those fraudulent or illegal naturalized voters voted for Butler and how many for Horton?

Mr. SMITH of Iowa. No.

Mr. BARTLETT. That was not ascertained before the committee.

Mr. SMITH of Iowa. It is before the committee, but you may well imagine that with the enormous number of votes in this case to find just how every individual voted is a matter of some difficulty.

Mr. BARTLETT. I have undertaken to do it, and that

prompted the question, because I wanted to know this fact, if the committee has been able to find out who voted then the committee could sift the fraudulent votes from the legal votes.

Mr. SMITH of Iowa. They can do that. I simply say they did not do it with reference to naturalization in the court of appeals. The law of Missouri requires every voter's name shall be numbered, and that his ballot shall have the same number upon it. Now, there are over 9,100 names registered that are not either upon the Federal census, taken the same time the registration commenced, or in the McBurney canvas. Now, we can turn to the poll books and find the number of every one of those names and turn and find the ballot that was cast by the person who claimed to be the man and find out just who he voted for.

Mr. BARTLETT. The gentleman says that the committee did not do that.

Mr. SMITH of Iowa. I say they did do that, but did not do it with reference to the naturalization list. They did do it with reference to this list of 9,100 fraudulent names upon this registration list, and they found that some of them were scared away by these warrants that had been issued, and by the notices that had been sent out, and the list that had been published, showing who they were; but more than 7,000 of them voted at that election, and more than 5,000 voted for Butler and 2,000 voted for Horton.

Mr. BARTLETT. Then the committee has been able to find out who that number of fraudulent voters voted for.

Mr. SMITH of Iowa. Yes.

Mr. BUTLER. Deducting each from the man for whom they were cast, how does it leave the election?

Mr. SMITH of Iowa. If it was so deducted, and more than 400 votes erroneously counted were deducted, it would elect Horton.

Mr. BARTLETT. But the majority of the committee were so satisfied of the improprieties and frauds that were committed in the election that they determined that no man was legally elected, I understand.

Mr. SMITH of Iowa. We determined that we were uncertain as to whether these were fraudulent votes cast for Horton by procurement of himself or friends, or whether they were some of Butler's repeaters who either did not know how to vote or decided to vote for Horton anyhow, because they were Africans, after taking Butler's money. We were uncertain, I say, whether Horton was in any sense responsible for these 2,000 votes thus cast for him, and we were unwilling to ask this House, therefore, to seat him with apparently 2,000 fraudulent votes to his credit.

Mr. BARTLETT. Then, the committee were not able definitely to sift the fraudulent votes from the legal and valid votes, so as to authorize them to say that anybody was elected?

Mr. SMITH of Iowa. Yes; we were able to sift the fraudulent from the legal votes all right; but when Mr. Butler ran a repeater up to the polls to vote in the name of a man who did not exist, and that repeater, either through ignorance or because he was an African and wanted to vote the Republican ticket, took Butler's money and voted for Horton, we can not say whether Horton was fairly elected or not.

Mr. BARTLETT. Do you think he ought to stay bought?

Mr. SMITH of Iowa. Why, I presume that is what you think.

Mr. BARTLETT. No; I do not say that.

Mr. SMITH of Iowa. That is what your side seems to think.

Mr. RUCKER. Will the gentleman from Iowa yield?

Mr. SMITH of Iowa. Certainly.

Mr. RUCKER. I understood my colleague from Missouri [Mr. BARTHOLDT] a moment ago to aid the gentleman who now has the floor in explaining the 2,000 votes that were cast for Mr. Horton.

Mr. SMITH of Iowa. Yes.

Mr. RUCKER. As I understand, the gentleman who is now addressing the committee consented to that as a possible explanation of it.

Mr. SMITH of Iowa. That may be possible; yes.

Mr. RUCKER. Now, if I understood my colleague, he said that about St. Louis the general impression was that ignorant persons erroneously scratched the Democratic ticket when they intended to scratch the Republican ticket. Now, I should like to ask the gentleman in this connection how could that have been done in view of the fact that each political party had a ticket printed on a separate sheet of paper?

Mr. SMITH of Iowa. As I understand the Missouri law, each voter receives all of the tickets from the judges of election. Is not that true?

Mr. RUCKER. He may do so.

Mr. SMITH of Iowa. He does receive them ordinarily, does he not?

Mr. RUCKER. Yes, ordinarily.

Mr. SMITH of Iowa. And goes and picks out the one he wants to vote and hands it to the judge of election. I do not see any difficulty about it.

Mr. RUCKER. Now, the idea is that he mistakes the Republican ballot for a Democratic ballot.

Mr. SMITH of Iowa. That is the suggestion that Mr. BARTHOLDT made, and that, I said, might possibly be the explanation.

Mr. RUCKER. In other words, your idea is that these 2,000 men wanted to vote the Democratic ticket, but accidentally got the wrong ticket.

Mr. SMITH of Iowa. I told you I did not know how they came to vote that way.

Mr. RUCKER. That is the gentleman's explanation.

Mr. BARTHOLDT. If the gentleman will permit, those 2,000 votes are admitted to have been fraudulent votes, cast by people whom we do not know and whom we can not identify, and most of them—a good many of them—had been imported into the city of St. Louis from outside for the purposes of that election.

Mr. RUCKER. Can the gentleman tell us in that connection when they were imported?

Mr. BARTHOLDT. Oh, I can tell you that from my own experience and observation.

Mr. RUCKER. I thought possibly you might, if you desired.

Mr. BARTHOLDT. Weeks before the election the boarding houses along Market street and Chestnut street were filled with strangers who had never been seen before in the city of St. Louis. They were all used for the purposes of that election, and in explanation of what my colleague asks these tickets are handed out to each voter in bunches, as he is aware.

Mr. RUCKER. That is usually the case.

Mr. BARTHOLDT. And of course it is not very difficult to explain that a repeater, a man who can not read the caption of the Republican or Democratic ticket, might mistake the ticket and intend to vote the Democratic ticket, but actually vote the Republican ticket.

Mr. RUCKER. I would make this suggestion: I never heard of a Republican candidate making such a grievous error as to buy men who did not know enough to vote the right ticket after being bought.

Mr. SMITH of Iowa. Did not know how to vote the right ticket! Did not your candidate on the Democratic ticket advise men to take the money and then go and vote their own ticket?

Mr. RUCKER. I say that any man who says the last Democratic candidate for the Presidency advised men to sell their votes utters a foul slander, which I do not believe the gentleman from Iowa intends or is capable of doing.

Mr. SMITH of Iowa. He said, "Take their money and vote as you choose." I do not mean he ever advised men to sell their votes, because at the time he was advising them to vote for himself. Of course, he never advised them to sell their votes. He was trying to get them to vote for him.

Mr. RUCKER. I do not believe that he ever told them that.

Mr. SMITH of Iowa. You do not?

Mr. RUCKER. Did you ever hear him say it?

Mr. SMITH of Iowa. I never heard him say so.

Mr. RUCKER. I do not think any other man ever heard him.

Mr. SMITH of Iowa. It has been stated in the press time and again and never questioned.

Mr. RUCKER. I question it now.

Mr. SMITH of Iowa. It was never questioned.

Mr. RUCKER. He is too great a man to question every political falsehood that may be circulated through Republican papers.

Mr. SMITH of Iowa. I trust that he is too great a man to tolerate such a charge against him without denying it if false.

Mr. RUCKER. It would take a man a lifetime to answer all Republican slanders.

Mr. MANN. He is still their leader.

Mr. SMITH of Iowa. In some polling precincts, in order that this iniquity might be carried on with greater safety, they pasted newspapers all over the windows clear up to the ceiling, to prevent anyone from by any possibility discovering the fraud, from seeing it, and then carried it out according to their sweet will and pleasure.

Colonel Butler was the boss of the Democratic party of the city of St. Louis. He conducted this marvelous campaign by which there was a reversal of 6,000 in the vote in that district. I need not refer to the reputation of this distinguished Democratic leader. I say that no man can read his record without coming to the conclusion that this whole election was a travesty. So when gentlemen ask McBurney, "If Mr. Hennings roomed at the Jefferson Club, then your canvasser was not correct?" He said, "Of course it was not, if he lived there; but I did not find him." They never produced any evidence that he lived at the Jefferson Club. They proved their case by the question put to the witness and never by the answer. Witness after witness was brought up and testified that he lived in the house designated as the home of some of these fraudulent voters and swore that no such person ever lived in that place.

Witness after witness comes upon the stand and swears that

he lives next door to a certain place where voters registered from, and no such person lives there at all. That is one of the things repeated by this contestee. No witnesses are called by him to disprove any of these grave charges; not a syllable of evidence is furnished to this House tending to strengthen his case. Suspicious at least. We should have supposed that he would have regarded some of these circumstances. If these men existed, why did he not bring in just a few of them so that we could look at them. But witnesses living in the very house from which the registry was made swore no such person ever lived there, persons living in houses adjoining those from which persons were registered swore that these people never lived there. Not one syllable of evidence is brought by this contestee to refute that charge.

Mr. BARTLETT. I understand the gentleman to say that the evidence in this case is that when it was alleged that certain voters who were alleged to have voted for the contestee did not live at the place at which they were registered that no other person answering to the description either by name or otherwise was produced to say that he did vote for Mr. Butler?

Mr. SMITH of Iowa. No. A woman would come on the stand from a house where a man was registered and voted for Butler, and swear that no such man lived there at that time, and never lived there, and there was no evidence brought in to show that he had ever lived there.

Mr. BARTLETT. You never asked for the voter. Why did not they produce him if he really voted?

Mr. SMITH of Iowa. That was what we were trying to find out. We never could get them to produce them.

Mr. BARTLETT. Not one?

Mr. SMITH of Iowa. Not one.

Mr. BARTLETT. Not one?

Mr. SMITH of Iowa. Not one. [Laughter.] There were 9,000, and not one produced; 9,180, and not one produced.

Mr. MANN. I think there was one produced.

Mr. SMITH of Iowa. One produced. There was one produced. I beg the gentleman's pardon. There were 9,179 who were not produced. [Laughter.]

Mr. NEVILLE. Will the gentlemen permit an interruption?

Mr. SMITH of Iowa. Certainly.

Mr. NEVILLE. How much majority does the evidence show in favor of Butler?

Mr. SMITH of Iowa. Three thousand five hundred.

Mr. NEVILLE. And you say that there were 9,000 fraudulent votes cast?

Mr. SMITH of Iowa. No; I did not say so. I said there were 9,180 fraudulent registrations.

Mr. NEVILLE. And how many fraudulent votes?

Mr. SMITH of Iowa. A little over 7,000.

Mr. SHACKLEFORD. How does the gentleman account for the fact that the contestee only got 3,000 majority, if there were cast 9,000 fraudulent votes?

Mr. SMITH of Iowa. I have told the gentleman that there were only between 7,000 and 8,000 fraudulent votes, and the Republicans had 2,300 majority in the previous election, and these fraudulent votes were enough to overcome that majority and give Butler 3,500.

Mr. SHACKLEFORD. What became of the other 2,000?

Mr. SMITH of Iowa. I told the committee that 5,000 and odd of those votes were found by examination of the ballots to have been cast for Butler, and about 2,000 for Horton, making the 7,000.

Mr. SHACKLEFORD. They were split up, then?

Mr. SMITH of Iowa. I have explained the best I know how. Now, Mr. Speaker, I want to say in conclusion that we have been hearing a great deal lately about imperialism. I want to say that the enemies of republican liberty and of republican institutions are not those who seek to carry them across the waters to the people beyond our western sun. The people who are the enemies of republican institutions and republican liberty are those who procure fraudulent naturalization; those who procure fraudulent registration; those who procure fraudulent votes to be cast; those who by force and violence subvert the will of the people at the ballot box; those who debauch the whole election machinery until republican government at home becomes naught but a mockery. [Applause on the Republican side.]

Mr. WILLIAM W. KITCHIN. Before the gentleman takes his seat I want to ask him a question.

Mr. SMITH of Iowa. Very well.

Mr. WILLIAM W. KITCHIN. I want to ask the gentleman from Iowa if he will not modify his statement he made against the last Democratic candidate for President. I understood that it was said that he advised those men that were supposed to be intimidated into wearing the McKinley button to wear the button and vote the Democratic ticket, and I do not believe it was ever charged that he advised them to take money for voting one way and then vote the other. I ask the gentleman if he will not modify the statement by omitting the charge as he has alleged it?

Mr. SMITH of Iowa. My recollection is the other way.

Mr. WILLIAM W. KITCHIN. My recollection is that he only told them that if they insisted on wearing the buttons to wear them.

Mr. SMITH of Iowa. It was the farthest from my intention to slander Colonel Bryan.

Mr. WILLIAM W. KITCHIN. I think it only applied to those men who were employed by large corporations, which corporations required them to wear the McKinley button, and that there never was a charge made against him that he told them to take the money and then vote the other way.

Mr. SMITH of Iowa. I want to say that I have no desire to say anything unjustly reflecting upon Colonel Bryan. My recollection is as I stated. If I am mistaken, then I am ready to withdraw the remark.

Mr. WILLIAM W. KITCHIN. I ask the gentleman to withdraw it now, or put in his speech some publication from some newspaper making the charge.

Mr. SMITH of Iowa. I am not able, Mr. Speaker, at this time, after the lapse of years to produce any newspaper article making that charge.

Mr. CLAYTON. Well, then, upon that sort of a vague recollection is the gentleman willing to slander a good man?

Mr. SMITH of Iowa. If the gentleman chooses to call it a slander, I have nothing to reply. I have not said that I made the statement on any vague recollection. I believe it to be true, as I have stated. I have said that I could not produce the proof at this moment, and if I am mistaken I wish to withdraw it.

Mr. CLAYTON. You do not know it yourself? You can not get any witness to it?

Mr. VANDIVER. Can the gentleman give the name of any reputable newspaper that published such a charge?

Mr. SMITH of Iowa. I think they all made the charge.

Mr. VANDIVER. But you can not give the name of one?

Mr. SMITH of Iowa. I think they all made the charge.

Mr. CLAYTON. The charge, if ever made, is false and slanderous, and the gentleman from Iowa ought to know it to be so.

Mr. VANDIVER. The gentleman can not give the name of a single paper.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 14019) making appropriations to provide for the expenses of the Government of the District of Columbia for the fiscal year ending June 30, 1903, and for other purposes.

ELECTION CONTEST—HORTON AGAINST BUTLER.

Mr. TAYLER of Ohio. Mr. Speaker, I would like to interrogate my colleague on the committee, the gentleman from Alabama, as to how much time he now desires.

Mr. BOWIE. I will state to the gentleman from Ohio that Mr. Butler told me this morning that he was very sick. I saw him in bed, and he looked like he was sick. I have a certificate from his physician to that effect. Mr. Butler told me he did not want to come here if it was possible to avoid it, but he said if the case was called and entered into consideration of it, notwithstanding the advice of his physician to the contrary, he was going to come here.

I have been looking for him to come here. That is the last word I had from him. I sent his secretary to him a half or three-quarters of an hour ago to find out whether he was coming. I have not yet heard. If Mr. Butler should come, he has a speech that he wants to read. He says that he is not strong enough to deliver it. That will take an hour. I can not possibly discuss this case in less than an hour or an hour and a half.

Mr. TAYLER of Ohio. Why not take two hours and a half on each side?

Mr. BOWIE. That would carry the question over until tomorrow?

Mr. TAYLER of Ohio. Yes, sir.

Mr. BOWIE. Well, I am perfectly willing to agree to that with the understanding that if Mr. Butler should come and should want more time than this arrangement contemplates, he may have it.

Mr. TAYLER of Ohio. Mr. Speaker, I ask unanimous consent that debate on this case continue for five hours altogether, the gentleman from Alabama [Mr. BOWIE] controlling one half of the time and I the other half, one hour having been consumed on our side—five hours in all.

Mr. BOWIE. But the arrangement should be subject to this provision, that if Mr. Butler should come here we may ask that the time be extended for another hour.

Mr. TAYLER of Ohio. Of course Mr. Butler's speech will be on the side of the contestee—

Mr. BOWIE. I understand that; but I want it understood that there shall be more time allowed on our side if he should come and want more.

Mr. TAYLER of Ohio. Of course if there is a situation that makes it necessary, we can act accordingly. But I think the gentlemen on the other side can cut their cloth to fit his needs.

The SPEAKER pro tempore (Mr. NEVIN). The gentleman from Ohio asks unanimous consent that debate on this case be closed in five hours, two hours and a half being allowed on each side, and the one hour already consumed being counted as part of the five hours.

Mr. SHACKLEFORD. I think we ought to have another hour. Missouri wants to be heard on this question.

Mr. TAYLER of Ohio. Well, make it six hours.

The SPEAKER pro tempore. The request is for six hours' debate, three hours on each side.

Mr. TAYLER of Ohio. And at the end of that time that the previous question shall be considered as ordered upon the resolution and substitute.

The SPEAKER pro tempore. The gentleman asks that at the expiration of six hours the previous question be ordered on the resolution. In the absence of objection this order will be made. The Chair hears no objection.

Mr. BOWIE. Mr. Speaker, it has been stated by the gentleman [Mr. SMITH of Iowa] who has just closed his remarks that the evidence in this case shows that more than 9,000 persons were illegally registered in the Twelfth Congressional district in the city of St. Louis at the last election. Now, before categorically denying the statement that the legal evidence in this case shows any such fact as that, I wish to correct the gentleman and say that the McBurney canvass, to which he alludes, and which, as I insist, constitutes the whole basis and fabric of this case, shows not 9,000 fraudulent registrations, but, if that canvass be true, it shows a fraudulent registration in six of the wards of 14,088, in precincts covering barely more than one-half of the district. And it was stated during the oral argument before the committee that the only reason that that canvass did not extend through the whole district was that they did not have sufficient time in which to make the canvass, and that the information which they had was that the false registration in the remaining precincts of the district was just as great proportionately as it was in the portion they did examine. So that if the statement be true there is, according to the theory on which the majority base their case, upon which the contestant bases his case, more than 24,000 fraudulent registrations in one Congressional district in the city of St. Louis; not 9,000, not 14,700, but over 24,000.

Now, Mr. Speaker, I assert without the fear of successful contradiction that if this were a case to be tried before the Supreme Court or in a circuit court, as against which an appeal to the Supreme Court would lie, that instead of 24,000 fraudulent registrations being shown by this evidence to exist in this one district the legal and competent evidence in this record would not show 200. I expect to demonstrate that to any fair-minded man who will do me the honor to listen to the analysis of the case that has been presented in behalf of the contestant.

In the first place I assert the proposition that when they say that in less than two-thirds of the election precincts in one Congressional district there were 14,088 fraudulent registrations they assert a proposition which challenges the credulity of any human being. It is a thing which on its face we know is not true, and it never happened in the Twelfth Congressional district of Missouri at the last election. It never happened anywhere on earth—that is, in the United States, at least; never in any Congressional district—that more than 50 per cent of the total registration is fraudulent.

Mr. Speaker, I want to call the attention of this House for a few moments to what the accusation of 14,088 fraudulent names means. These figures are obtained from page 67 of the brief of contestant's counsel in this case. I quote the table, as follows:

Ward.	Registered.	Not found.		
		McBurney.	Census.	In either.
4.....	3,673	2,092	2,313	1,598
5.....	4,771	3,111	3,139	2,443
6.....	5,114	1,618	1,885	956
14.....	4,944	2,469	2,906	2,042
15.....	4,052	1,603	1,881	1,060
23.....	4,913	1,518	1,964	1,110
Total.....	27,467	12,411	14,088	9,209

Now let us analyze the meaning of these figures. If out of 27,467 names registered 14,088 are fraudulent, we find the legiti-

mate registration only 48.7 per cent of the total. Now, the complete registration in the district was 47,752. Take 48.7 per cent of this total registration and we find the legitimate registration to be only 23,255 in the whole district. Now, the population of the district in June, 1900, was 179,767, and the ratio of legitimate registration to population according to this contention is only 12 per cent. The mere statement of this proposition ought to be enough to show its absurdity, but I offer other testimony which, in my judgment, clinches it beyond all peradventure.

We have the census of the United States, which shows, first, the population of that district in the month of June, 1900, all told; second, the male population over 21 years of age in that Congressional district. We have the same with reference to every Congressional district in the United States. Now, if there were either 14,000 or 24,000 fraudulent names upon the registration list, it would swell the total proportion of registration in this Congressional district higher than in any other in the Union, for no Representative on this floor will admit that in his district any such condition of affairs exists. It will be the highest percentage of any in the United States.

If there were 14,000 fraudulent names, the result of it would be that there would be more names registered than the census of the United States showed were there, because we know, as a matter of fact, that in a closely contested election in a great city like St. Louis they always register from 80 to 90 per cent of the possible vote, and oftentimes more, and if you add to the legitimate registration, which, running between 80 and 90 per cent and in some cases a little over in less than two-thirds of the election precincts of the district, 14,088 names, we will have the case that in this Congressional district there were registered largely more names than the census showed lived there. Well, now, what does the census show with reference to that proposition? In the first place, as already shown, the population of the Twelfth Congressional district is 179,767. The total registration in that district is 47,752; the percentage which that registration bears to the total population is barely 0.26.

I am speaking of the registration, mind you, and not the vote. Unfortunately there are some wards that are fractional wards in this Congressional district, as there are in the other two Congressional districts in the city of St. Louis, but we have eight wards that are complete—eight full wards in this district. The population of males over 21 years of age, as shown by the official returns of the census, is limited to the full wards, and hence the percentage can not be carried into the fractional wards, but the fractional wards offset each other throughout the city. Now, in the eight full wards of the Twelfth Congressional district there were male inhabitants over 21 years of age, according to the census of the United States, a total of 48,704. There were only 38,439 of these who registered, making more than 10,000 less registered voters in eight wards of this district than the census showed lived there three months before the election; 10,000 less. There were only 33,397 who actually voted.

Now, what else do we find? We find that the proportion of registered males over 21 years of age to the total in these wards of this district is 78.9 per cent. The proportion of vote to population in this district—they claim over 7,000 fraudulent votes—is only 68.5 per cent, showing that 31.5 per cent of the total male population over 21 years of age in that district never voted. Twenty-one per cent never registered. What does further comparison show? It is not claimed that in the Tenth Congressional district of St. Louis there is any evidence to show there was any fraud in the registration. Upon the contrary the assertion was made in the oral argument before the committee by the counsel for the contestant that they had tested some wards and precincts in the Tenth and the Eleventh districts, now represented by Republicans on this floor, with their celebrated McBurney canvass, and it run about even, about natural, what it ought to be.

Now, let us apply that test. In the district represented by the gentleman who is now looking at me [Mr. BARTHOLOMEW] the total registration of males over 21 years of age was 78 per cent—within a fraction of 1 per cent of the same as the registration in Mr. Butler's district. In Mr. Joy's district, the Eleventh, it was 78.5 per cent, or within four-tenths of 1 per cent of the same, going by full wards, you understand, because I have not got the registration by fractional wards as bearing on males over 21 years of age. Now, when we come to the vote, when you take the case of the Tenth district, we find that the vote was 72.5 per cent of the total male population over 21 years of age. In Mr. Joy's district it was 73.5 per cent, and in Mr. Butler's district it was 68.5 per cent; right there, three districts, side by side, in the same city, two of them represented by Republicans and elected under this same law as Mr. Butler was elected under, and their registration is within a fraction of 1 per cent of the same, and their vote is in one case 4 per cent more and in the other 5, and yet they tell us that there were 14,000 fraudulent registrations and 7,500 fraudulent votes in the Democratic district.

Mr. BARTHOLDT. Will the gentleman pardon me? I have figures here to show—

Mr. BOWIE. So have I.

Mr. BARTHOLDT. That the total increase in the Republican and Democratic vote in the Butler district was something over 12,000 votes, while in the adjoining district, the district which I have the honor to represent—

Mr. BOWIE. Does the gentleman say that the total increase in the votes was 12,000?

Mr. BARTHOLDT. The increase in the total vote was 12,000.

Mr. BOWIE. At what election?

Mr. BARTHOLDT. The increase of the Democratic and Republican vote.

Mr. BOWIE. At what election?

Mr. BARTHOLDT. Nineteen hundred.

Mr. BOWIE. Over what election?

Mr. BARTHOLDT. Over the preceding election.

Mr. BOWIE. Oh!

Mr. BARTHOLDT. While in the adjoining district, which I have the honor to represent, a district which has a much larger population, the increase is but 9,000, and in Mr. Joy's district the increase is but 7,500. And the increase in the party vote makes it still more apparent. The party vote has increased evenly in my district, and so it has in Mr. Joy's district, while in Mr. Butler's district a Republican majority of 2,500 was wiped out and a Democratic majority of 3,500 substituted.

Mr. BOWIE. "I thank thee, Rhoderick, for that word." In the Twelfth Congressional district of the city of St. Louis, in 1896, when the election was held under the celebrated and much-lauded Filley law, the vote was only 2,000 less than it was in 1900 under the much-denounced Nesbit law. Those were Presidential years, and it is fair to compare them. And when you run the comparison down further, you will find that, making allowance for the increase of population between 1896 and 1900 at the same ratio as the population increased between 1890 and 1896—in other words, proportioning the increase of population fairly between the two periods—the vote and the registration under the Filley law in 1896 in this district was higher than it was in 1900 under the Nesbit law.

Mr. BARTHOLDT. Has the gentleman taken into consideration the fact that this district is a business district, situated in the heart of the city, and that a migration has taken place from these business wards out into the outskirts on account of the rapid-transit facilities which have been inaugurated in the city, so that the increase in the district represented by Mr. Butler is naturally not as large as it would be in other districts?

Mr. BOWIE. Well, I do not know anything about that, but I say that the record shows that the vote in 1896, under the Filley law, was a greater per cent to the total population than it was in 1900, under the Nesbit law.

Now, I want to call the attention of the members of this House to some further figures which I have on that subject. The gentleman who has just taken his seat [Mr. SMITH of Iowa] claims that there are over 9,000 names not found either by the census or the McBurney canvass, 14,000 not found by McBurney, and over 12,000 not found by the census, 9,000 not found by either. Now, bear in mind the fact that Mr. Butler's total vote in proportion to the male population was 68.5 per cent, and that his total registration to male population was 78.9. Now, let me apply those same figures to the Congressional district of the gentleman who has just argued this case on behalf of the majority. I have the official figures of the Ninth Iowa district. That district had a population in June, 1900, of 202,253, and of males over 21, 56,135, with a total vote of 47,858. I have not the registration, but the total vote. The percentage of votes to population is 23.6, or more than it was in Butler's district. The percentage of votes to males over 21 years of age was 85.2, against 68.5 in Butler's district. And yet there is nobody charges that there were either 7,000 or 9,000 or 14,000 or 12,000 fraudulent votes in his district. And it shows a larger per cent of votes to population and a much larger per cent of votes to male population over 21 years of age.

And I want to carry the comparison a little further. I want to take the case of the Eighteenth Ohio district, represented by the distinguished chairman of this committee [Mr. TAYLER of Ohio]. The percentage of that vote to population was 24.6, or 1.6 per cent more than it was in this district, and the percentage of votes of males over 21 was 82.4, or about 4 per cent more than the registration in Butler's district.

Take another one, the Tenth Indiana district, represented by the gentleman from Indiana [Mr. CRUMPACKER]. The percentage of votes to population is 26.2, or more than 3 per cent greater. The per cent of votes to males over 21 is 88.3, against 68.5 of vote, or 78.9 of registration in Butler's.

In every case that I have cited the per cent of votes to males over 21 years of age is greater than the per cent of registration to males over 21 years of age in Butler's district.

I could carry it further. I could take the district represented by

General GROSVENOR, of Ohio, where the percentage of votes was 89.2 of males over 21 years of age and the percentage of votes to population was 24.1. I could take a number of others which I have here, which I will not take the time to refer to, but I dare assert this proposition. That in a hotly contested election, in what we call the close States of this country, that in more than two-thirds of them, in over half of the districts represented by Republicans in this House, the percentage of votes was greater than it was in Butler's, and the percentage of votes in many of them was greater than the percentage of the registration in Butler's.

Now, I have shown that, with these facts staring us in the face, I assert that it was a physical impossibility for this thing to be true. Here was a Republican district, they say. It has gone Republican three times in twenty years. Here is a district which has gone Republican three times in twenty years, the last two prior to this being Republican. Here was a closely contested election, in a city where everybody lives within a few hundred yards of the polling place, and only 68 per cent of the total possible vote was cast, and only 78 per cent of the total possible registration was made. I say that it staggers anybody's credulity to say that there were 14,000 fraudulent registrations under those circumstances, or even 9,000.

Now, what else do we find? The idea of 14,000 fraudulent registrations is based upon a political canvass made by paid employees of the attorneys of the contestant. They took about six or seven days to make it. The canvassers were paid the munificent sum of 2 cents a name. It was made six months after the census was taken. It was made in the month of December, when the town was full of people as compared with what it would be in June. There were more people, as everybody knows, in the city of St. Louis in December, 1900, than there were in June, 1900; and yet what does this canvass show in the eight wards of the city of St. Louis? It shows in the eight wards of the city of St. Louis that Mr. McBurney found 9,000 less people than were found by the census in June. I will read it by wards.

McBurney found in the Third Ward 5,612 males over 21 years of age. The census, six months before, found 6,522.

In the Fourth Ward McBurney found 3,553; the census found 5,517.

In the Fifth Ward McBurney found 4,032; the census found 5,833.

In the Sixth Ward McBurney found 5,285; the census found 6,260.

In the Fourteenth Ward McBurney found 4,291; the census found 5,351.

In the Fifteenth Ward McBurney found 4,465; the census found 5,979.

In the Twenty-second Ward McBurney found 5,491; the census found 5,963.

In the Twenty-third Ward McBurney found 5,209; the census found 5,454.

Total in eight wards found by McBurney, 37,938; by the census, 46,940; or 9,002 more male inhabitants over 21 years of age found by the census in June than by McBurney's canvassers in the same territory in December of the same year.

Now, Mr. Speaker—

Mr. WILLIAM W. KITCHIN. Will the gentleman allow me to ask him a question right there?

Mr. BOWIE. Certainly.

Mr. WILLIAM W. KITCHIN. Is the correctness of McBurney's canvass essential to the success of the contestant?

Mr. BOWIE. Assuredly.

Mr. MANN. Oh, well—will the gentleman yield?

Mr. BOWIE. Certainly.

Mr. MANN. The contestant or the report would be sustained either upon the McBurney canvass or the census canvass. Is that not so?

Mr. BOWIE. No, sir.

Mr. MANN. Would it not be sustained upon the census canvass?

Mr. BOWIE. No, sir.

Mr. MANN. Does the gentleman claim that the census canvass does not show that there are at least 9,000 registered voters not found by the census officials?

Mr. BOWIE. Why, certainly, on the compilation as they state it to us it shows that there were 12,000.

Mr. MANN. Is it not a fact that there were at least 9,000 voters who were registered who were not found on the census canvass in this district?

Mr. BOWIE. Speaking truthfully, no; speaking literally, according to the compilation as made, yes; and I will explain myself. The census shows that in eight full wards, which I read a while ago and which I have in my hand, there were 10,000 more people over 21 years of age there in June, 1900, than were registered in November, 1900. In other words, the register was 10,000 short in eight wards; and the fact is, as I expect to demonstrate,

that there were a great many people—and the evidence shows it in this record—who moved between the time when the census was taken and the time registration was closed; there were people who not only moved, but people who died; not only people who died, but mistakes were made in the census and in the registration; so that, truthfully speaking, the statement the gentleman makes is not a fact.

Mr. MANN. Well, that is an argument. I did not want the gentleman to be misled. Is it not a fact that there were 9,000 names of persons on the registration list whose addresses were not found by the census officials under those names?

Mr. BOWIE. At those addresses. That is what is said by the compilers. I do not dispute it, nor do I know anything about it.

Mr. MANN. I understood the gentleman did not dispute it; we all know it to be a fact, but I thought his answer to the gentleman from North Carolina was misleading in that respect.

Mr. WILLIAM W. KITCHIN. Let me ask the gentleman from Illinois does he depend on the correctness of the McBurney report?

Mr. MANN. So far as I am concerned, I do not depend on the correctness of the McBurney report.

Mr. TAYLER of Ohio. If I may answer that—and I think the gentleman from North Carolina wants information—I am sure the gentleman from Alabama does not intend to give anything but his view of the case. We do not depend, in any serious sense, upon the McBurney canvass. It is a mere incident in this inquiry. Our conclusion—and I speak for five of my colleagues—would be as certainly what it is now if the McBurney canvass had never been taken.

Mr. WILLIAM W. KITCHIN. Does the gentleman contend that the McBurney canvass is correct?

Mr. TAYLER of Ohio. I think it is practically correct—as correct as any well-taken directory would be; but I think there are objections that are applicable to the McBurney canvass technically considered.

Mr. WILLIAM W. KITCHIN. I understand the gentleman from Alabama has shown conclusively that the McBurney canvass can not be correct if any reliance can be placed on the census.

Mr. TAYLER of Ohio. Oh, I think the McBurney canvass is practically correct; I think it is the most accurate thing of its kind.

Mr. WILLIAM W. KITCHIN. But it shows a discrepancy of several thousand between that and the census.

Mr. TAYLER of Ohio. But that is as easily demonstrated on the other side as my friend demonstrates it on his side. It is one of those interesting logical processes.

Mr. BOWIE. Now, Mr. Speaker, I assert that there is no basis for this case unless the McBurney canvass is relied upon, the gentleman's disclaimer to the contrary notwithstanding. Unless that canvass is actually accepted as speaking the truth in this case there is not a single peg for this case to stand upon.

The gentleman from Illinois suggested that the same thing would be shown by the census. It is asserted by the compilers of the figures—and none of us have verified them; we have all accepted the compilers' statement; no member of the committee undertook to verify them—it is asserted by the compilers that there were 12,000 names found in the registration that were not found by the census under those names at the same addresses. I submit that it is not competent evidence; that it does not prove anything; that it does not justify any judgment, because the same proof shows that a census enumerator found 10,000 more men in June than were registered in November in the eight wards.

Mr. MANN. Do I understand the gentleman's position to be that if a man registers and he did not live at the place that he registered from, that that is offset by a man's registering at some other place?

Mr. BOWIE. No; but in connection with the argument I have made, that there was a smaller registration here than there was in over one-half of the Congressional districts of the United States; that there was a smaller vote here than in over half of the Congressional districts in the United States; in the face of the fact that we know that between the months of June and November men move away and men die, and in the face of the fact that we know that mistakes are bound to be made both in the census and in the registration and in the compilation; in the face of all these facts it can not be seriously contended that a partisan compilation from United States census is competent evidence for any purpose, any more than the McBurney canvass. We can refer to it for the purpose of showing how many males were found there; but to show that A lived in a certain house in June, 1900, does not show that he is an incompetent voter merely because A registered from another house in October or November. The vice of the proposition is that the period of taking the census is not contemporaneous with that of the registration, and the evidence we have of the census is not the original copy, but is secondary evidence of the most vicious type.

Now, who is to say how many men moved in the city of St. Louis in these three months? Who is to say how many men died? Who is to say how many mistakes were made by the compilers? Who is to say how many mistakes were made by the enumerators? Who is to say how many mistakes were made by the registrars? There is not a single thing in the alleged discrepancy between the census and the registration inconsistent with perfect honesty and fairness. Now, the gentleman says that they do not rely upon the McBurney canvass, and yet they make the McBurney canvass the basis of their report, declaring that Horton is not entitled to a seat on this floor. It runs through all the argument of counsel from beginning to end, and runs through the majority report in this case in more than a dozen instances.

Now, what is the McBurney canvass? I want to read you what Mr. McBurney said his canvass was. I read from the testimony as printed on page 269 of the record:

Q. What, if any, information had you concerning the population in various districts and parts of the city by which you could judge whether the returns of these men were accurate or not?

A. I did not have any. I had them, but I did not compare them.

Again, I read from page 270. Mr. McBurney was asked this question:

Q. Now, you say the canvassers returned to you certain houses as vacant. What did you do in such a case in order to test the original report of the canvassers?

A. Well, the original report of the canvassers was taken and jotted on the registration list opposite the registration.

Q. In such cases did you send out a second time in order to get information about those houses that were reported vacant, if, in fact, it appeared from the registration list that any persons were registered from those houses?

A. No, sir.

Now I want to read from the testimony of Mr. Moone, as printed on page 331 of the record:

I obtained—went to the door and obtained all the information necessary under the instructions, calling for the names of every male living in the house at that date of the age of 21 or over. I always got the information through the parties, the head of the family, or whoever came to the door.

On page 335 he was asked:

Q. Did you receive any information or instruction when you went out these first six days, or at any other time, to make inquiries as to whether the men whose names you would find at certain numbers were registered from there or lived there on election day and prior thereto?

A. No, sir; nothing was said about election day.

Q. As I understand it, your sole instruction and the sole inquiries you made was, did they live there at that time?

A. At that time.

Q. Namely, the day you visited the house?

A. Yes, sir.

Q. And you commenced about the 20th of December?

A. I think that was the day; yes, sir.

Q. And ended it some time this last week?

A. Well, in the first six days it really ended.

Q. After it really ended you went back?

A. Well, I was hired to do some work over again.

Q. After you had done the work in Judge Fisse's office—McBurney's office?

A. Yes, sir; McBurney's office.

Q. And this was not connected with the World's Fair statistics, but was an election contest? You understood that, did you not—that your work was to ascertain whether men were correctly registered at those numbers?

A. I did after that; yes, sir.

Q. Now, after you understood that, you would go to these houses—such as Mr. Shapleigh's house—and would you make an inquiry as to whether or not he lived there on election day and prior thereto?

A. No, sir.

Q. Knowing it was about an election contest and for the purpose of ascertaining votes fraudulently registered, this canvass of yours being made long after the election, why didn't you make those inquiries?

A. I was not told to.

Q. Yes; but why didn't you anyway?

A. Well, I wasn't instructed to.

Q. Well, where you find a man died about the 1st of January, as is your recollection in the case of Mr. Shapleigh, and you were making that canvass for the purpose of ascertaining whether or not he was correctly registered there on election day, why didn't you make further inquiry?

A. I wasn't instructed to do it, and I didn't do it.

Q. You didn't do it?

A. No, sir.

Q. Now, that is true all over the district canvassed, isn't it?

A. Yes, sir.

Q. And where you found Mr. Shapleigh dead, and was satisfied from the vicinity that he had lived there a long while, you reported his name as not found?

A. I didn't put it down at all. I just put down the coachman's name.

That testimony shows how this alleged canvass was taken. These canvassers went there the last week in December. They went to the doors of houses and asked anybody who came to the door who there was over 21 years of age living there at that time. They got some of the names down and some they did not. They put down whatever name was given them by anybody who came to the door. This canvass was the last week in December, a few of the canvassers extending their work into the first few days of January.

That is the McBurney canvass. Did those canvassing officers themselves come here and go upon the witness stand and swear that they made this canvass fairly? There were 57 of them. One man did go on the witness stand and testified just what I have

read to you from his testimony as to what he did. The other 56 did not testify at all. There was no opportunity to put the testimony of a single one of the McBurney canvassers to the test of cross-examination except in the case of Mr. Moore; and his testimony shows that it is utterly unworthy of credit, because he said he asked just anybody who came to the door to answer his questions. No other one of the canvassers was put upon the stand. These others make ex parte affidavits; they talked the matter over with an employee of the contestant; and he makes a compilation. Now, let us see what is the value of that compilation.

Mr. VANDIVER. Allow me to ask the gentleman whether those men who took that count were sworn as to the results, and were they cross-examined?

Mr. BOWIE. No; they were not examined judicially. They made an ex parte affidavit on a printed blank after they came back with such information as they had.

Mr. MANN. Does not the gentleman think that if they had been put on the stand and cross-examined the cross-examination would be continuing now?

Mr. BOWIE. No, sir; I do not.

Mr. MANN. Does not the gentleman think they would have had to examine about every man whose name was on the list?

Mr. BOWIE. No, sir. The gentleman from Illinois might have tried his case that way; but the gentlemen who represent the contestee did not. Take this record of over 2,000 printed pages, and I will show to any man who will take the trouble to investigate it that there was four times as much time spent on the direct examination as on the cross-examination.

There is not a single thing to indicate anywhere that any attempt was made to unduly prolong the examination, not one. They took up four times the time in the direct examination as was taken up in the cross-examination, and, what is more than that, if they had undertaken to do a thing of that sort this committee and this House would have the right, and it would have exercised it, of granting time to complete it. Such a thing never would have happened.

Mr. MANN. Is it not true that the gentleman himself, in one of these cases we had, insisted upon not considering evidence because it was not put in at the time?

Mr. BOWIE. Who; I?

Mr. MANN. The gentleman from Alabama.

Mr. BOWIE. What case?

Mr. MANN. In the Burnett case.

Mr. BOWIE. The committee unanimously found BURNETT was elected.

Mr. MANN. Yes, and disregarded evidence that was taken after time, in which opinion the gentleman from Alabama very cheerfully joined.

Mr. BOWIE. Yes, because that man was right there in reach of the attorneys for the contestant for the forty days during the first examination and for the last ten days in the rebuttal, and was not examined until three months after the time had run and they got him in the office of the lawyers in the city of Birmingham and got him to sign an affidavit as to what his testimony would be, after he was fixed, and that man's testimony shows that he is utterly unworthy of belief by any human being. [Applause on the Democratic side.] It ought to have been excluded, but so far as I am concerned I have to say that the question of the exclusion of that testimony was never discussed before the committee except by the lawyers in the case. The majority of the committee came in and announced that they thought that Burnett was entitled to his seat, and we thought so, too. That is all that happened at the meeting of the committee.

Now, what has this House itself said with reference to such testimony as this McBurney canvass? Here is a case that was decided more than forty years ago. I desire to call the attention of the House to the contested-election case of Whyte v. Harris, from the State of Maryland, in 1858, forty-four years ago, in which a similar canvass was attempted to be introduced in evidence, and the response which the committee made to that attempt and the judgment of the House upon the report of the committee:

Hearsay evidence is uniformly incompetent to establish any specific fact which in its nature is susceptible of being proved by witnesses who speak from their own knowledge. That it supposes something better that might be adduced in the particular cases is not the only ground of its exclusion. Its intrinsic weakness, its incompetency to satisfy the mind as to the existence of the fact, and the frauds which may be practiced under its cover, all combine to support the rule that hearsay evidence is wholly inadmissible.

[The exceptions to the rule are well known, such as cases of pedigree, inscriptions on tombstones, etc.] Chief Justice Marshall, in the case of *Minor v. Hepburn* (7 Cranch, 230) emphasizes this doctrine in saying that "all questions upon the rule of evidence are of vast importance to all orders and degrees of men; our lives, our liberty, our property are all concerned in the support of these rules, which have been matured by the wisdom of ages. One of them is that hearsay evidence is totally inadmissible." This rule was also strictly applied in an election case in the English Parliament, cited in *Rogers' Law and Practice of Elections*, page 172, where "it was proposed that a witness should be sent for to prove a conversation with one Delande, upon the ground that he (Delande) could not be found to be served with the speaker's writ, but, on argument, it was refused."

Continuing further, it is said:

We regard the contestant's proof on both these points as wholly vicious and inadmissible. Lists are filed by him of names of persons in the different wards who, it is claimed, did not vote because they were "intimidated." These lists are obtained, as the evidence shows, by sending men into the various wards, who, dividing them into different districts, make out separate lists of such persons as they are assumed to have seen or heard from, stating that the persons whose names they thus returned were "intimidated." They do not state, except in comparatively isolated cases, that they knew the persons to be qualified voters, or what was the ground or reason of what they called their intimidation. In a vast number of cases they do not know, personally, those they see; many they do not even see, personally, but get the information they report from their wives, their children, their neighbors, or their landlords, and then, to add to the absurd insufficiency of such proof, in the case of a number of these lists, they are put in evidence by the person who makes up the general list filed from these separate lists thus handed in to him, and the separate lists, in many cases, are not proved by those who collected the information in them, and many of these persons are not even put upon the stand.

A greatly stronger case than the one now being considered, because the alleged census was at least directed to the facts as they were supposed to exist at the time of the election, whereas in the present one the test of a man's legitimacy as a voter is not whether he resided in the precinct at the time of his registration, but whether he continued to reside there for several months later.

Now, Mr. Speaker, the House decided that the minority of the committee which made that report was correct and refused to unseat the contestee upon such evidence as that. Moreover, I have here in my hand Mr. Rowell's Digest of Contested Election Cases, from which I will not read, but which shows that since the organization of this Congress there has not been a single case in which evidence of this sort was not spurned by the House of Representatives. In every case where hearsay evidence was sought to be introduced the majority and the minority of the committees have declared that it was illegal and refused to accept it. I have plenty of authority here from the highest courts of the land to the same effect in contested election cases. This is the only case in the history of this Congress in which evidence of this character has been admitted and upon which it has been sought to deprive a man of a seat upon the floor of the House.

In this McBurney canvass, take the case of Mr. Shapleigh, president of the Shapleigh Hardware Company, a concern doing business all over the United States, who died two months after the election was over. Yet in the McBurney canvass he goes down as a fraudulent voter.

Take the case of Mr. Thomas C. Henning, one of the most prominent lawyers in the city of St. Louis, who lives at the Jefferson Club. The canvasser went there and asked of "whoever came to the door" the names of those over 21 years of age who lived there, and the man gave him the name of T. Henning, or possibly T. C. Henning, or possibly Thomas; but at any rate the canvasser put him down as T. Henning, and on that they put this man down as a fraudulent voter, because it did not happen to be T. C. Henning.

Take the case of Eugene Johnson. He is registered as Eugene Johnson. The canvasser puts him down as E. Johnson, and yet he goes into this record as a fraudulent voter.

Take the case of the man who testified as a witness for the contestant and who was not found by the McBurney canvasser, Mr. Sam W. Dicks. Here is his evidence in the record, and yet he was not found and was put down as a fraudulent voter.

Now, it was asserted by the gentleman from Iowa a few minutes ago that this McBurney canvass is entitled to the same credit and is as carefully prepared as the city directory, and the majority of the committee in their report undertake to give us the result of an examination into what the city directory of St. Louis shows with reference to certain persons to whom registered letters were sent.

I wish to call the attention of this House to the fact that the canvass for the city directory of St. Louis for 1901 was made concurrently with the McBurney canvass and about the same time these witnesses were testifying; yet that city directory shows that 309 of the witnesses who testified for the contestant in this case do not live at the places where they said they lived. They offer the St. Louis city directory in evidence. They examined 929 witnesses, and the St. Louis city directory shows that 309 of those witnesses did not live at the places given by them in their sworn testimony in this record.

The McBurney canvass is entitled to the same credit as the St. Louis City Directory, they say, and they ought to add that it is entitled to no more credit! Three hundred and nine witnesses swore in this record that they lived at certain places, and the St. Louis directory, taken at the same time, says that they did not. It is upon such testimony that the case of the majority rests.

That is the character of testimony on which this House is asked to declare this election null and void. There were 57 of McBurney's canvassers engaged in this work about a week, and 19, or more than one-fourth, of them are not found in the city directory of St. Louis. The majority of this House ask us to turn out a man on a census taken in January, when there was a chance for thousands of men, not hundreds, to move; a second chance of

many hundreds at least to die; a third chance for thousands of mistakes in the first enumeration; another chance for thousands of mistakes in the compilation; a still further chance for the registrar to get the name or the initial or the residence address wrong. All of these chances, and yet not one of them taken into account by the majority of the committee.

Judge Smith says that if we reject this McBurney canvass it makes it worse for the contestee. Turn a man out because this compilation, made by the contestant in January, 1901, found that it did not exactly correspond in name, in initials, in residence, or something of that sort with the census taken six or seven months previously. It is the most preposterous proposition that ever was presented to the House of Representatives; a greater outrage, in my humble judgment, was never attempted. They talk about frauds that were committed there. I say that to rely on the census or on the McBurney census under those circumstances, and to hold that either of them, singly or collectively, by themselves or added together, are a proper basis to deprive a member holding the certificate of a sovereign State to his right to a seat in this House, is a greater outrage upon justice than anything which they charge upon the Democratic party in the city of St. Louis.

Now, Mr. Speaker, it was said that the law of 1895, known as the Filley law, was changed in 1899. I have already shown that under the law of 1895 there was a larger percentage of registration and vote than under the law of 1899; and if the law of 1899 permitted these pretended fraudulent practices, what must have been the law it superseded? It is said that 53 of the gentlemen who were appointed to represent the Republican party in five of the wards of this district voted for Mr. Butler. I do not know whether they did or not. I have not verified the statement; and hence I will let it pass without a contradiction; but over and against it I shall set the proposition that in every one of the wards referred to by the gentleman from Iowa excepting one only, the officers, judges, and clerks appointed to represent the Republican party were appointed upon the recommendation of the local Republican committeemen, the chairman of the committee for the precinct in question.

And in the only one to which there is an exception we have the evidence that there were factional differences between the Republicans and the Republican representative on the board of election commissioners. Mr. Kobusch made the motion that representation be divided between the opposing factions. That fact is undisputed. It is in the record. It is proven by the testimony of the contestant's witnesses that where they had two Republican factions contending for supremacy in a particular ward, on the motion of the Republican member of the board of election commissioners the representation was divided. In all the others, the Republican committee—the chairman of the committee—selected his own representatives, both judges and clerks; and if they selected men who for any reason were unable to vote for Mr. Horton I submit that it is no reason why this House should declare that election null and void and turn this man out of his seat.

The Republican quota in this district was 348. The Republican committeemen—the regular committee which had charge of Horton's campaign—recommended all but 21 of the 348 names, and these 21 were appointed upon the recommendation of the opposing political factions in the Republican party in the city of St. Louis upon the motion and at the instance of the Republican election commissioner, and every one of them took an oath that he was a Republican at the time he was appointed. This is the record. It is impossible to conceive a just law more justly administered.

But gentlemen say that there was a remarkable change which came over that district. I have already alluded to the fact that in the last twenty years the Democratic party carried that district seven times and the Republican party carried it three times, and two of the times that the Republican party carried it were in 1896 and in 1898, when the Democratic party in the city of St. Louis was torn to pieces over the money question.

For sixteen years prior to that time the district had gone Democratic in every election but one. The Democratic party was in the midst of great dissensions in 1896, and the Republican party nominated a strong man and he was elected. The same thing happened in 1898, but by a largely reduced majority. In 1900 in the precincts that I am going to read you from the record, in the precincts where the Republican precinct committeemen got every judge and every clerk of their own selection, in those wards where there is no single judge or clerk but what was appointed by supporters of Mr. Horton, what does it show? The Democratic party in 7 of those wards gained 4,599 votes; the Republican party in 5 of them gained 563 votes; a net Democratic gain in 12 wards of St. Louis, where the Republicans had their own judges and clerks of their own selection, of 4,036.

Mr. Pierce's majority, the Republican nominee in 1898, was 2,321. Subtracting that from the Democratic gain in districts

where the Republicans had their own representation and wipe out all the balance and Butler has a majority of 1,715. Add to it the Democratic gains in those precincts in the other wards where the regular Republicans got their own men and the majority is about 3,000. That is the history of this district. That is the condition of affairs.

Now, what else do we find in that district going to show that Butler was fairly and honestly elected? We find, as I say, that it is a Democratic district, and it only went Republican because of the split on the money question. In 1900 the Gold Democrats came back into the party in that district in the city of St. Louis, and there were no factional differences. That fact is abundantly attested in the brief of the counsel for the contestant. The Democratic party got together in that district, and it was easy enough to restore the Democratic majority. But that was not all by any means.

The Republican party nominated the most unpopular candidate that they could put out if they had scraped the district with a fine-tooth comb. The history of this case, as this record shows, shows that after Horton was nominated, it being understood that he was the candidate of Baumhoff, the traction magnate of that city, the celebrated strike of the street car employees occurred. I can not go into all the details of it, but it is sufficient to say that it shook that city from center to circumference as nothing like it had ever done before.

Mr. Baumhoff was hung in effigy in dozens of places in the city of St. Louis. His name became a by-word and a hissing. Mr. Horton was his candidate, and organized labor took up the fight and almost to a man supported Mr. Butler. Added to that, the fact is that heretofore the negro vote in that district, which amounts to five or six thousand, had been going almost solidly Republican. At this time the colored Butler Republican club was so numerous in St. Louis that you could hardly count the number of the clubs. Mr. Butler polled a large percentage of the negro vote in that district. You add the normal Democratic majority in the district, when both factions of the party are united, and then add that part of the labor vote which had been going Republican, and add to it the large negro vote which had been going Republican, and you find out where the majority for Butler came from. He got all of it, in my judgment, fairly and honestly, unless there was some slight mistakes made in the count.

The gentleman from Iowa says that it is admitted that there were 400 fraudulent errors in the count. There is nothing of the sort. There were over 41,000 votes cast in that district, and a recount made under auspices of the contestant, two months after the election, and that only shows a discrepancy of 403 out of over 41,000 votes. There is just as much likelihood of fraud in the recount as there was in the original count.

But in any case it is by no means improbable that a mistake of a few hundred would be found in a recount of over 40,000 ballots. There is nothing at all remarkable in it; there is no evidence of fraud of any kind.

But they say they have independent evidence of men who canvassed these election precincts. They have a few cases, they have got perhaps 200 or 300 instances in all shown by men who went around and made a pretense of canvassing on the day before the election that was infinitely better than the infamous canvass made by McBurney. In one precinct, the worst place they have, the very worst, three men went around and said there were 67 men registered that they could not find.

Mr. McBurney's canvass shows there were 147 that he couldn't find. As a matter of fact, it is not shown that these 67, because they were not found, were illegal. One of the men who made the canvass testified that he was a city employee and under this Republican administration, he was instructed to go around and make a political canvass of his precinct on the day before election, and his time would run on at the office. The city of St. Louis paid this canvasser for his time while he served the Republican party, and of course he had to bring in something of a showing, and he brought in 67 names. But the Republican precinct committeemen in other precincts who come and testify, some of them put one man down that they couldn't find, and some of them put a half a dozen. One of them puts down 15; and that was at the headquarters of the Republican party in his precinct. There is not a single one, barring this case of this employee of the city, whose time was running while he was serving the Republican party—there is not a single one that puts down over a dozen, except in this case where the registration was made at the Republican headquarters. In every similar case McBurney reports from 150 to 200 not found.

Now, against that testimony what do we have? The law of the city of St. Louis—this much-denounced law—provides that the two clerks—the Republican clerk and the Democratic clerk of each precinct in the city of St. Louis—shall go to every house in the various precincts with a certified copy of the registration list, to find out if the men whose names are on the list are there;

and if they are not there it is the duty of these two clerks, or either of them, to report such fact to the four judges sitting as a board, and notice is served upon any man who is not found or who they think is fraudulently registered, that notice being by personal service, if possible, or if not, they must try to reach him through the mails, and if he does not come up and make proper explanation his name is stricken from the list. These clerks in every precinct in this Congressional district—Republican and Democratic—took a certified copy of the registration list and went through every precinct in the district. These men made that canvass under oath. They were representatives of both political parties; and then there was the board of judges, who were representatives of both political parties; and provision was made for giving notice through the mail when a man could not be found, and every man in regard to whom there was any suspicion, every man who was found to be fraudulently registered, had his name turned in, and those names were stricken from the list before election day.

Here was a canvass made under the law, under the oaths of the officers of the law—made to officers of the law in every precinct of the city—made a few days before the election—after the registration book had closed; and yet they tell us that because the compilers of this political canvass and the employees of this contestant report to us that there is a discrepancy in the initials or in the addresses of some of the names—that this must be set off against the sworn report of the officers of the law acting in the discharge of their duties under their oaths! I say, gentlemen, that it would be a shame upon the House of Representatives if a man were denied his seat in this Congress on such a case.

Ah, but they say they discovered that a fraudulent registration was going on, and that they sent out registered letters for the purpose of testing the fraudulent registration. Did they send out 14,000 of such letters—did they send out 20,000, did they send out 12,000, or did they send out 9,000? Not a bit of it.

Mr. SMITH of Iowa. Will the gentleman allow me a question?

Mr. BOWIE. Surely.

Mr. SMITH of Iowa. It is a fact, is it not, that at the time these letters were sent out the parties who sent them out were not in possession of copies of the Federal census and had no method of locating or determining those 9,000-odd names that should have been on the list?

Mr. BOWIE. I do not know whether they had the Federal census or not. I presume they had not.

Mr. SMITH of Iowa. Does not the gentleman know that the Federal census had to be put in in rebuttal; that it was not even copied in time to be put in in chief?

Mr. BOWIE. I know that they did not have this document that we had.

Mr. SMITH of Iowa. They did not have the McBurney canvass and they did not have the Federal census?

Mr. BOWIE. No, sir.

Mr. SMITH of Iowa. So that they had no means of knowing these names until after those letters had been sent out?

Mr. BOWIE. Certainly they did not know anything about the McBurney canvass, and they did not have the copy of the Federal canvass which they have since put in evidence. But I know that under the law in Missouri it was required that each of the election precincts should as nearly as practicable have 400 voters. Of course in some cases the number went, of necessity, above that and in some the number below, so as to avoid splitting up blocks. But that was about the average under the law of the State. And I do know that the Republican precinct committeemen elected by the party authorities made canvasses. I do know that the Republican clerks and the Democratic clerks made canvasses under oath, and under the penalties of the law.

Mr. SMITH of Iowa. Will the gentleman permit me to ask him one further question?

Mr. BOWIE. Certainly.

Mr. SMITH of Iowa. Is it not a fact that, when these Republican committeemen went about, there is evidence here that the keepers of these lodging houses in which we now claim these frauds largely took place would go out and bring in lists that had been furnished them and check them off and say, "Yes, that man lives here; yes, that man lives here," and the like? Is there not evidence to that effect?

Mr. BOWIE. In one instance one man so testifies, and there is a dozen in which the committeemen themselves say that there is not a single man on the list that did not belong there.

Mr. SMITH of Iowa. And is it not a fact that these Republican clerks that the gentleman is talking about largely voted the Democratic ticket?

Mr. BOWIE. No, sir.

Mr. SMITH of Iowa. You say there is not a large percentage of those clerks that you present us with and labor Republicans that voted the Democratic ticket?

Mr. BOWIE. I admit that you state it, and I do not dispute it.

Your committee stated that you had found fifty three or four clerks and judges—

Mr. SMITH of Iowa. Sixty who voted against our ticket.

Mr. BOWIE. All right, put it sixty. But did not all vote for Butler?

Mr. SMITH of Iowa. Not quite. Fifty-four voted for Butler.

Mr. BOWIE. All right. I admit that you stated you made an examination of the ballots and you found those sixty or fifty-four, whichever it is, who voted for Butler.

Mr. SMITH of Iowa. In five wards out of fifteen.

Mr. BOWIE. Did you examine the others?

Mr. SMITH of Iowa. No, sir; we did not.

Mr. BOWIE. Then you ought to have done it, if you thought it was worth anything to you. The Republican quota was 348 in that district, and one-sixth of them, you say, voted the Democratic ticket.

Mr. SMITH of Iowa. And you do not dispute it.

Mr. BOWIE. And I say that four-fifths of those who voted the Democratic ticket were appointed upon the recommendation of the Republican committeemen.

Mr. SMITH of Iowa. The Good Government League?

Mr. BOWIE. No, sir; the supporters of William M. Horton, and the balance of them under the resolution offered by Mr. Kobsch, from the contesting factions, and everyone took an oath that he was a Republican. That is what I say.

Mr. POWERS of Maine. And then voted the Democratic ticket?

Mr. BOWIE. No, sir. There were others running in that election besides Congressmen. There was a municipal election and a national election for President, and because some of these men who had hung Mr. Baumhoff in effigy, some of them who thought they were ground down by Mr. Baumhoff in that strike, some of these laboring men, said that they would not vote for two men on that ticket, did not prevent them from being Republicans, and it did not interfere with the fact that they were honorable men, not a bit of it, and would make an honest canvass. Now, I want to call attention to the testimony of the Republican committeeman, the chairman of his ward, Mr. Patrick H. Clark, and read what he says about the condition of affairs in the city of St. Louis.

Q. You remember, as a matter of course, the street-car strike in this city during the summer last past?

A. Yes, sir.

Q. Between the management of what is commonly known as the Transit Company and their employees?

A. Yes, sir.

Q. You remember, of course, that Sheriff Pohlman swore in about 1,000 men that constituted what he was pleased to call a posse comitatus, arming them with shotguns, do you not?

A. Yes, sir.

Q. Do you remember that public feeling ran very high in the city of St. Louis on account of that strike?

A. Yes, sir.

Q. And that the citizens, regardless of party, were greatly divided on account of the strike?

A. Yes; no doubt about that.

Q. That it even went so far as to create more or less personal feeling between the citizens?

A. Yes, sir.

Q. Do you remember that these men were uniformed and that they were in charge of men with a quasi military title, such as "colonel," "lieutenant," "captain," etc., in which Mr. Fisse, the chief counsel for Mr. Horton in this matter, was known as a captain, or general, or brigadier, or something or other, and in which Mr. Chester H. Krum, also counsel for Mr. Horton in this matter, was known by some quasi military title, and also in which Mr. Charles Broadhead, counsel for Mr. Horton in this matter, was a prominent officer, and also in which Mr. Charles W. Holtcamp, counsel for Mr. Horton in this matter, was known as a captain, or chaplain, or something, and also Mr. A. C. Orrick was known as a first lieutenant or lieutenant; also in which Mr. Arthur Shepley, counsel for Mr. Horton, took a prominent part; do you know of that organization known as the posse comitatus, such as I have described?

A. Yes, sir.

Q. You know, also, that these men, under the able leadership of these able generals paraded the streets of St. Louis and made themselves very obnoxious to citizens of certain quarters, particularly so in South St. Louis?

A. Yes, sir.

Q. Do you know, too, by public rumor, press reports, and matters of public knowledge, that a great many men were shot down by the rank and file of this posse comitatus?

A. Yes; I read of it.

Q. You know, also, that several men were killed by members of this posse, supposedly?

A. Yes, sir.

Q. At all events, they were killed in a disturbance between the striking men and the posse?

A. Yes, sir.

Q. And that an inquest was held over the bodies of those dead citizens before the coroner, and that the coroner's jury returned a verdict of "unjustifiable homicide?"

A. Yes; I have read of that, too.

Q. You know that men congregated daily upon the street corners and in the hotels and around the grocery stores, and that that was almost the sole topic of discussion?

A. Yes, sir.

Q. You know, too, at this time, that Mr. Baumhoff was the acting spirit on behalf of the railroad company, and he occupied the position of general manager of the railroad company?

A. Yes; he occupied that position, and occupies it now, I guess.

Q. And do you know, of your own personal knowledge, or through the public press, that Mr. Baumhoff was hanged in effigy from the trolley poles and from lamp-posts, and other places all over town?

A. Yes, sir.
 Q. So high did public sentiment run. Following this strike, Mr. Horton was nominated by the Republican party for Congress?
 A. You have got that wrong; he was nominated before that strike.
 Q. Before the strike? Very well. Do you know as a matter of fact that Mr. Horton was generally considered in the city of St. Louis, whether right or wrongfully, as being the direct representative and the nominee of Mr. Baumhoff?
 A. The laboring people thought so.
 Q. That was the prevalent opinion, was it not?
 A. Yes, sir.
 Q. Don't you know that on account of that prevalent opinion a large body of the Republican party refused to support Mr. Horton?
 A. I know a good many of them that said they wouldn't support him; printers and mechanics of all kinds.
 Q. All the trades unions were allied with the street-car men in this strike, were they not?
 A. Yes, sir.
 Q. And they combined against the candidacy of Mr. Horton and other candidates?
 A. That was the principal cause of the defeat of the Republican ticket.
 Q. Even at the time of Mr. Horton's nomination, as you say, prior to the strike, is it not a fact that there was much dissatisfaction among the rank and file of the Republican party over his nomination?
 A. There was a great deal of dissatisfaction over the rolling of Major Pearce—beating of Major Pearce.
 Q. Major Pearce had represented this district previously?
 A. Yes, sir.
 Q. And had made an acceptable candidate to his party and an acceptable Congressman to the party at large?
 A. A good Congressman; the best we ever had here.
 Q. Now, can you tell me who was responsible, mainly, for the rolling of Major Pearce?
 A. Principally, I think it was Mr. Baumhoff.
 Q. Didn't that rolling of Major Pearce, who was a prominent, popular, and able man, create within itself much dissatisfaction?
 A. Yes, sir.
 Q. Among the rank and file of the Republican party?
 A. Yes; a good many said it was a mistake.
 Q. There are a great many Germans in the Twelfth Congressional district, are there not?
 A. Yes; there is a good many.
 Q. Before I go into that, is it not a fact that you know that the national Republican committee called representatives of Mr. Horton to the city of Chicago and endeavored, in the interest of peace and harmony in the Republican party, to induce him to withdraw from the race?
 A. I have heard that; I don't know that to be a fact.
 Q. You don't know that to be a fact?
 A. I have heard that rumor.
 Q. You have heard that rumor, and it was generally talked of in Republican circles?
 A. Yes, sir.
 Q. And talked of as an accepted fact?
 A. Yes; I have heard of it.
 Q. So great was the dissatisfaction with the candidacy of Mr. Horton, and so sure were the rank and file of the Republican party that he would be beaten, as you understand, he was called to Chicago by the national committee, in an effort to get him to withdraw from the race?
 A. I have heard that.

Now, I might quote a great deal more along the same line. I want to quote one piece of testimony further in corroboration of that proposition. Here is the testimony of Philip Rodan, the second vice-president of the Fourteenth Ward Republican League Club, a chairman of the precinct committee of the eleventh precinct of that ward, testifying on this question:

Q. Your position in your precinct gives you an exceptional opportunity to learn the sentiment of the voters of your own party, does it not?
 A. It ought to.
 Q. What was the sentiment and the apparent intention, from your knowledge, of the Republican voters in your precinct?
 (Objected to.)
 A. Well, a great many of them believed that Mr. Horton was put up as a "straw man;" that it was simply an understanding between Mr. Butler—that is, I mean Col. Ed Butler—and certain Republican officials that Horton would be defeated and Butler elected, and I believe a good many of them came to the conclusion that as long as the prominent Republicans were of that belief, that the little ones might just as well fall in line.

There you have your explanation as to why it was that this Republican majority in this district was overcome and Mr. Butler was elected—out of the mouths of their own witnesses and their own officials, whose character they vouch for when they put them upon the stand.

Mr. PALMER. You were speaking about 1,500 letters that were sent out, when somebody diverted your attention. I will ask you what became of those.

Mr. BOWIE. Yes; I want to get to that. I have some testimony on the desk.

Mr. PALMER. Those letters were sent out to persons alleged to have been illegally registered?

Mr. BOWIE. That is the pretense.

Mr. PALMER. That is what they claim?

Mr. BOWIE. That is what they now claim, and I want to show upon what a thin and unsubstantial foundation that pretense rests.

Mr. PALMER. The question I want you to answer is, What became of the letters? Did they find the people to whom they were addressed?

Mr. BOWIE. Some of them did and some of them did not. Now, have you heard what was in those letters?

Mr. PALMER. Never mind what was in them.

Mr. BOWIE. I prefer to answer in my own way. There was nothing in the letters except the card of William M. Horton, can-

didate for Congress. The letters were marked "Personal," and strict orders were given not to deliver them to any man except the person to whom they were addressed; to accept no agents, to accept no orders, but to deliver them only to the men to whom they were addressed. Two or three hundred of those letters were actually delivered. The men who got them felt that they were the victims of a fraud and an imposition, and they denounced it as a fraud, and they were outraged because a thing of that sort had been attempted upon them. They noised it abroad. They talked it far and wide, and every man to whom those letters were addressed became aware of the fact that all there was in these letters were Mr. Horton's cards. They were sent in bunches of 50 or 60 to one place. They were sent between the hours of 8 or 9 in the morning and 4 and 5 in the afternoon to laboring men who rose at sun-up and did not return to their places of residence until after dark.

The purpose, the infamous purpose, behind the sending of those letters was to build up a fraudulent case in order to offset to some extent the great dissatisfaction which existed in St. Louis against the Republican nominee. And so they refused to send those letters there at the time when these men could receive them. The only way they could get them after they got the notices was to go—it may be several miles to the post-office—and get witnesses who happened to be acquainted with the clerk at the post-office to identify them after they got there, and then to receive what they knew in advance was nothing but the card of Mr. Horton. Now, what does the evidence show? I want to call your attention to what the evidence shows with reference to whether those men actually lived at those places or not. I want to take as a sample 509 South Second street. I hope the gentleman will listen.

Mr. PALMER. I am listening.

Mr. BOWIE. The facts which I am now about to state are set forth in the minority report.

Mr. J. H. Schultze, letter carrier, testifies, on page 665, that he had 30 registered letters addressed to 509 South Second street, many of which were undelivered, and the inference is sought to be drawn that these were all fraudulent. And yet on this very matter Mr. George Schumacher, the Republican judge for the fifth precinct of the Fifth Ward (Rec., 936), says that 509 South Second street was a four-story hotel, having 68 beds; that it was a perfectly reputable place; that ordinarily 35 to 40 men lived there at the time he kept it, which was up to July, 1900; that he was succeeded by Peter Gill, who ran it in the same manner; that as a rule a poor class of laboring men lived there, but no women whatever were received; that on a pinch they could accommodate 68 men.

Mr. Ehler, the Republican clerk for the second precinct of the Fifth Ward, in which this house is located, testifies (Rec., 942) that he went there with the Democratic clerk and was informed by the proprietor that every man registered from there lived there, and there were 38 in all. He marked no one off the list.

Mr. John Allen, the Republican judge for that precinct (Rec., 1176), said that he was personally acquainted with nearly every man who was registered there, and that he also knew pretty nearly all who lived in the precinct.

Mr. Remmler, the Republican challenger (pp. 861-862), testified that he did not know whether there were 20 men or 40 men living at this place, but that many of them did not vote; and that he was satisfied that every man who did vote from that place was entitled to do so.

The Republican challenger testified to that. That is the testimony as to that place, and there is identically the same character of testimony virtually as to every one of those places. Take 520 South Third street, concerning which Mr. Schultz, the letter carrier, testified:

Q. Can you say why these were not delivered, those addressed to 520 South Third?

A. Because they were not there at the time.

Q. What is 520 South Third?

A. A lodging house.

Q. How large a house?

A. It is a two-story building about 25 feet wide by about 75 feet deep.

Q. Glance over the letters addressed to 520 South Third and tell me how many of the men you know.

A. Do you mean that I know personally?

Q. Yes; that you know were in the house.

A. I do not know any of those personally.

A. How many of them do you know to have been in the house at the time?

A. I recognize some of them as being people I have left letters for. I do not know them. They would probably be working.

Now, I have not the time to read all this testimony, because there are over 2,000 pages of it. There were 50 or 60 witnesses examined on this very matter. They went to these places when these laboring men could not have been there except by accident.

Mr. PALMER. I am a juror here. I want to get at the truth of this.

Mr. BOWIE. I am trying to give you the truth.

Mr. PALMER. Do you undertake to say that any of these persons who were alleged to have been fraudulently registered were in fact in existence, and did you bring any of those men to testify?

Mr. BOWIE. Why, my dear sir, the testimony of Republican challengers here in this ward, in the first case that I read, is that the challenger knew all these people that voted, and he did not believe a single one had voted illegally.

Mr. PALMER. That is all right enough, but then the allegation is that there were eight or nine thousand men who were fraudulently registered, and that these men did not live in St. Louis

and never had lived there; that they could not have been at the places where they were registered from. Did you bring any of these men before the Election Committee to prove that they actually existed and were entitled to register from the places from which they were registered?

Mr. BOWIE. The contestee did not take any testimony.

Mr. PALMER. Oh!

Mr. BOWIE. He submitted the case upon the testimony of the contestant—

Mr. PALMER. That answers the question.

Mr. BOWIE. Because that testimony shows conclusively to any fair-minded man, in my humble judgment—and I do not mean any reflection upon the majority of this committee—that these charges of fraud are false. It was an utter impossibility, with the safeguards that were thrown around that election, and with the managers and clerks who were appointed, an utter impossibility for there to have been that number of fraudulent registrations.

Mr. PALMER. Now, as I understand your position, it is this: The fact that a person alleged as being fraudulently registered could not be found when the census was taken, and could not be found in December, that is no evidence that they were not there and not legal voters.

Mr. BOWIE. That they were not found. It is simply a question of mistake of the officials. It is secondary testimony five or six times removed from the original. There are some who moved from one precinct to another; there are some who died; some mistakes in the census; some mistakes in the registration; some mistakes in the compilation. It is perfectly preposterous to talk about unseating a man on such evidence. Why is it that this condition applies to this election district, the only one in the United States, where there were so many names, more than half, according to the theory of the contestant, about two-thirds in many cases, of all the votes not registered? Do you believe that, gentlemen, when these Republican judges and clerks and committeemen themselves testified to the fairness of it? Do you believe that in this district the legitimate registration was only 12 per cent of the population? Yet such is the case presented by the majority of the committee.

Again, the gentleman from Iowa quotes from the testimony of a man named Breitschuh, alias Bradshaw, in which he says how many votes were cast by the so-called Williams gang.

Mr. SMITH of Iowa. About 120.

Mr. BOWIE. One hundred and twenty; and yet the testimony of the negro driver of the wagon which hauled the Williams gang said that its utmost capacity was 18 or 20.

Mr. SMITH of Iowa. Will the gentleman allow me to ask him this? Did not the gentleman well know that the 20, not 120, of the Williams gang voted time after time in the same precinct?

Mr. BOWIE. Well, I will read—I will prove what I started to assert by your witness Breitschuh, alias Bradshaw, who is also the man that you were speaking of.

Mr. SMITH of Iowa. When you say that I named the witness, I never named the witness, but said that he was one of many.

Mr. BOWIE. He was your crackerjack witness, the one that you singled out in your argument.

Mr. SMITH of Iowa. I never named him in my argument. You asked me about him, and I said he was one of many.

Mr. BOWIE. I asked you about the man you were talking about. I do not care whether you named the man or not. I understood whom you referred to. Mr. Herman Breitschuh was the witness. It is fortunate that this occurrence is testified to by other witnesses than Mr. Breitschuh, alias Bradshaw. And I will read the testimony of the other witnesses.

Mr. SMITH of Iowa. I trust the gentleman will remember that he is the first man who named this witness.

Mr. BOWIE. I do not care anything about who it was that first mentioned him. You referred to the witness's testimony, and I wanted to identify him.

Mr. SMITH of Iowa. I spoke of him as one of many.

Mr. BOWIE. He was the one that you were talking about, and the fact is there were other witnesses who testified to the same occurrence you referred to and who prove that Mr. Breitschuh lied about it. Here is what Mr. Breitschuh said about it. I have it, and I will read from the minority report. It is on page 182 of the record. He testifies as to an alleged outrage on the clerk of that precinct. Breitschuh says there were 75 to 100 men in this gang, and this driver said that the wagon which hauled them would not hold over 15 to 20, and the wagon was not always full.

Mr. TAYLER of Ohio. Where is the statement of 75 or 100?

Mr. BOWIE. That is the number of the Williams gang mentioned by Breitschuh and who were alleged to be present at the time of the occurrence related by that versatile witness about which so much is said in the majority report and to which the gentleman from Iowa referred in his opening argument.

Mr. TAYLER of Ohio. I referred to Breitschuh. I stand by Breitschuh. He is a very intelligent witness.

Mr. BOWIE. I believe that he says that there were 75 to 100 of the "gang" present, but I am not sure.

Mr. TAYLER of Ohio. It was 50 or 75 he told us, and that they voted two or three times apiece.

Mr. BOWIE. My recollection is he said 75 to 100. I will ask some other gentleman if he will examine the record. I will ask the gentleman from Texas [Mr. BURGESS] to please examine page 182 of the record and see if he can find this. I do not want to make any mistake about it. I am reading from page 29 of the minority report:

They voted so often that it took them from 10 o'clock in the morning until 2 in the afternoon at one precinct.

Four hours this Williams gang remained at one precinct! The majority of the committee say that this same gang went to 25 or 30 precincts; and according to that, if the majority is right and Breitschuh is right, they had a day in St. Louis that was from one hundred to one hundred and twenty hours long. This lays in the shade even the famous record of Joshua, when he commanded the sun to stand still.

Now, Breitschuh testifies to a great outrage—and is quoted at length by the majority—perpetrated on the clerk by these men, who put a pistol at his head and run him out. I will read:

Mr. ORRICK. Did you see the clerk come out?

A. I did.

Q. Was he put out or did he come out voluntarily?

A. I guess he ran out—scared of getting killed. He said a fellow had a gun up to his head, and he thought it was about time to move.

Again he was asked:

Q. Were these men you refer to as Indians white or colored?

A. White men.

Now, it so happens that Mr. Wefferling, the Republican clerk, was also examined as to what happened that day, and he completely contradicts Mr. Breitschuh on this question. I quote from Mr. Wefferling (Record, p. 1642), as follows:

Q. Was there any trouble of any kind there at the polls in your precinct?

A. I don't know. There may have been on the outside.

Q. But there was none on the inside?

A. No, sir.

Q. Did you look outside of the polling place at any time?

A. Once in a while, when we had nothing to do.

Now, Mr. Clark, the Republican central committeeman of that ward, testifies that Wefferling was appointed upon his recommendation. Mr. Wefferling said further that he had made a careful canvass of the precinct; that he had lived there all his life; that he knew practically every white man in it, and found only one case of false registration, which he reported. On page 1639 he was asked:

Q. Did anyone appear there and ask to vote and was not entitled to vote, to your knowledge?

A. I don't know; not to my knowledge.

Q. How long have you been living in that precinct?

A. Twenty-seven years.

Again, on pages 1641 and 1642, he said:

Q. How long have you lived in that place?

A. For twenty-seven years; not exactly in the same house, but in that neighborhood.

Q. So you know nearly everybody there, do you?

A. Yes, sir.

Q. Did you see anybody come there to register or vote that you did not know?

A. No, sir.

Q. You knew them all?

A. All, except the darkies.

None of the Republican judges at this precinct were examined, but they were all appointed upon the recommendation of Mr. Clark.

Such is the character of testimony upon which the committee in this case seek to impeach the result of this election.

Mr. Speaker, I regret that this record is so large and the issues so great I have been forced to consume very much more time than I had expected to do in the presentation of this case. I have done so in the hope that this case would get fairly presented to the House. I believe that every suggestion made by the other side can be answered, as I have answered these. I do not believe that there was any such fraud in the election there as they charge. I do not believe there was any more there that day than was usual in large cities. There were a few fights, a few little irregularities; perhaps some things happened that ought not to have happened, but nothing whatever upon which to found the judgment that 3,500 majority should be wiped out, as proposed in this case.

I believe this man was honestly and fairly elected, and he is entitled to keep his seat. I do not know whether the gentlemen on the other side who have not done me the honor to listen to me, or even those who have, will vote as I shall in this case; but I have no hesitation in saying that, in my humble judgment, I honestly and sincerely believe that James J. Butler was fairly elected to Congress from that district, and I believe he ought to,

and if he gets his dues will, retain his seat. [Applause on the Democratic side.]

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1225) granting an increase of pension to Clara W. McNair.

Also, that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 5506) granting an increase of pension to Clayton T. Van Houten.

Also, that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 5856) granting an increase of pension to Elizabeth A. Turner.

Also, that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 3320) granting an increase of pension to Adelaide G. Hatch.

Also, that the Senate had agreed to the amendment of the House of Representatives to the bill (S. 4450) confirming in the State of South Dakota title to a section of land heretofore granted to said State.

The message also announced that the Senate had passed with amendments the joint resolution (H. J. Res. 6) in relation to monument to prison-ship martyrs at Fort Greene, Brooklyn, N. Y., in which the concurrence of the House was requested.

The message also announced that the Senate had passed joint resolutions of the following titles; in which the concurrence of the House was requested:

S. R. 123. Joint resolution for the relief of Naval Cadet William Victor Tomb, United States Navy;

S. R. 124. Joint resolution to provide for the printing of the memorial address on the life and character of William McKinley, late President of the United States, by the Hon. John Hay, before the two Houses of Congress; and

S. R. 127. Joint resolution authorizing the loan of plans and drawings of park improvements of the District of Columbia.

A further message from the Senate announced that the Senate had agreed to the amendments of the House to the bill (S. 5383) providing that the circuit court of appeals of the fifth judicial circuit of the United States shall hold at least one term of said court annually in the city of Atlanta, in the State of Georgia, on the first Monday in October in each year.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13172) to ratify and confirm an agreement with the Choctaw and Chickasaw tribes of Indians, and for other purposes.

The message also announced that the Senate had passed a bill of the following title (S. 3560): An act to amend an act entitled "An act to promote the safety of employees and travelers upon railroads by compelling common carriers engaged in interstate commerce to equip their cars with automatic couplers and continuous brakes and their locomotives with driving-wheel brakes, and for other purposes," approved March 2, 1893, and amended April 1, 1896, in which the concurrence of the House was requested.

ELECTION CONTEST—HORTON AGAINST BUTLER.

Mr. TAYLER of Ohio. Mr. Speaker, I yield one hour to the gentleman from Missouri [Mr. BARTHOLOMEW].

The SPEAKER. If the gentleman will suspend for a moment, the gentleman from Minnesota has a conference report.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. McCLEARY. Mr. Speaker, I desire to present a conference report on the District of Columbia appropriation bill.

The SPEAKER. It will be printed under the rule.

[For conference report see Senate proceedings, page 7498.]

The statement is as follows:

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 14019) making appropriations for the support of the government of the District of Columbia for the fiscal year ending June 30, 1903, submit the following written statement in explanation of the action agreed upon and recommended in the accompanying conference report on each of the Senate amendments, namely:

On Nos. 1, 2, 3, 4, and 5, relating to the executive office: Increases the salary of the janitor from \$1,000 to \$1,200 and of the property clerk from \$1,200 to \$1,400, as proposed by the Senate, and strikes out the provision for an additional clerk at \$720.

On No. 6: Inserts the provision proposed by the Senate to punish bribery in the District of Columbia.

On Nos. 7, 8, and 9, relating to the assessor's office: Increases the salary of the assistant assessor from \$1,600 to \$2,000 and of the clerk to the board of assistant assessors from \$1,200 to \$1,500, as proposed by the Senate.

On No. 10: Appropriates \$5,500, as proposed by the Senate, for salaries and expenses of the excise board, and requires that all receipts from liquor licenses shall be paid into the Treasury.

On No. 11: Strikes out the provision inserted by the House reviving the personal-tax law of 1877.

On Nos. 12, 13, and 14, relating to the collector's office: Provides for an assistant cashier at \$1,400 and for two coupon clerks at \$900 each, as proposed by the Senate.

On No. 15: Authorizes the employment of clerks on extra labor in the preparation of tax-sale certificates.

On Nos. 16, 17, 18, 19, and 20, relating to the Auditor's Office: Increases the compensation of the chief clerk from \$2,100 to \$2,250 and of one clerk from \$1,400 to \$1,600, as proposed by the Senate, and inserts a provision defining the duties of the Auditor with reference to settling differences with the Treasury and requiring him to countersign all checks.

On Nos. 21 and 22: Appropriates for a clerk at \$900, as proposed by the House, instead of at \$1,000, as proposed by the Senate, in the office of the sealer of weights and measures.

On Nos. 23, 24, and 25: Strikes out the increase in the salaries of the computing engineer and superintendent of sewers proposed by the Senate.

On Nos. 26, 27, and 28, relating to the department of insurance: Appropriates \$600 for temporary clerk hire and strikes out the provision proposed by the Senate for one clerk at \$1,400 and one clerk at \$1,200.

On Nos. 29 and 30: Appropriates \$13,000, instead of \$12,000, as proposed by the House, and \$15,000, as proposed by the Senate, for employees in the surveyor's office.

On Nos. 31, 32, and 33: Appropriates \$12,000, as proposed by the Senate, instead of \$9,500, as proposed by the House, for binding and miscellaneous expenses of the Free Public Library, and authorizes expenditures for rent.

On No. 34: Appropriates \$30,000, as proposed by the Senate, instead of \$25,000, as proposed by the House, for contingent and miscellaneous expenses.

On Nos. 35, 36, and 37: Restores to the bill the provision proposed by the House regulating the expenditures for horses and wagons.

On No. 38: Appropriates \$540, as proposed by the Senate, instead of \$240, as proposed by the House, for rent of office for the department of insurance.

On No. 39: Strikes out the appropriation of \$480 proposed by the Senate for rent of office for superintendent of property.

On No. 40: Appropriates \$2,500, as proposed by the Senate, for clerical service, books, and equipments in the office of register of wills.

On No. 41: Strikes out the appropriation of \$5,000 proposed by the Senate for fireproof bookshelves in the office of the recorder of deeds.

On No. 42: Strikes out the appropriation of \$150 for glass for certain portraits in the District offices.

On Nos. 43, 44, and 45: Appropriates, as proposed by the Senate, \$900 for enlargement of fireproof file case in the surveyor's office, \$300 for photolithographing certain old maps, and \$2,000 for resurvey of Beatty and Hawkins's addition to Georgetown.

On No. 46: Appropriates \$145,000 instead of \$140,000, as proposed by the House, and \$150,000, as proposed by the Senate, for assessment and permit work.

On Nos. 47, 48, 49, and 50: Appropriates, as proposed by the Senate, \$15,500 for paving South Capitol street and Delaware avenue, \$15,400 for paving North Capitol street, and \$6,400 for paving P street NW., and strikes out the appropriation of \$14,600 proposed by the Senate for paving S street NW.

On No. 51: Reappropriates the unexpended balance of the appropriation of \$40,000 for opening alleys, and strikes out the appropriation proposed by the Senate of an additional sum of \$25,000 for said work.

On Nos. 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, and 78, all relating to the construction of county roads and suburban streets, appropriates as proposed by the Senate for the following:

Leroy place to Wyoming avenue, \$8,000;
Joliet street, \$7,000;
Providence street, Brookland, \$5,500;
Nebraska avenue, \$2,500;
Kenesaw avenue, \$10,000;
Eleventh street extended, \$15,000;
New Hampshire avenue, \$13,500;
Connecticut avenue extended, \$10,000;
Thirty-seventh street, and other streets in Burleigh subdivision, \$3,000;
Wyoming avenue, \$4,300;
Mintwood place, \$5,000;
Decatur street, \$12,000; and
Quincy street, \$5,000; and strikes out the provisions proposed by the Senate for the following:

R street, \$6,500;
Blagden avenue, \$3,000;
Reno road and Emerson street, \$3,000;
Kramer street, \$5,000;
Pennsylvania avenue extended, \$10,000;
Erie street, \$2,500;
Rhode Island avenue, \$25,000;
Wisconsin avenue, \$15,000;
Concord street, Brookland, \$2,000;
Seventh street, Bunker Hill road, \$5,000;
Messmore street, \$1,500;
Fourteenth street, \$40,600; and
Kansas avenue, \$2,000.

On No. 79: Appropriates \$10,000, as proposed by the Senate, for the Massachusetts avenue bridge.

On No. 80: Appropriates \$65,000, as proposed by the Senate, for repairs to the Aqueduct Bridge.

On No. 81: Increases the limit of cost of the highway bridge across the Potomac River from \$568,000 to \$996,000, and extends the time for construction of the bridge from two to four years; authorizes contracts for constructing the bridge within the limit of cost; requires the asphalt paving between railway tracks on said bridge to be maintained by street railway companies using the same, and grants to all street railway companies chartered or that may hereafter be chartered by Congress the right to cross said bridge.

On No. 82: Appropriates \$5,000, as proposed by the Senate, for survey of Anacostia River flats.

On Nos. 83, 84, 85, 86, and 87, relating to sewers: Appropriates \$52,000, as proposed by the Senate, instead of \$50,000, as proposed by the House, for completing the East Side intercepting sewer; \$20,000, with right to contract up to \$42,000, as proposed by the Senate, for constructing trunk sewer to serve the western part of Georgetown; appropriates \$50,000, instead of \$250,000, as proposed by the Senate, for constructing in part the B street and New Jersey avenue trunk sewer, authorizes a contract for \$200,000 additional work on said sewer, and strikes out the appropriation of \$75,000 proposed by the Senate for the Arizona avenue sewer.

On No. 88: Appropriates \$2,000, as proposed by the Senate, for fencing James Creek Canal.

On No. 89: Appropriates \$90,000, as proposed by the House, instead of \$200,000, as proposed by the Senate, for sprinkling, sweeping, and cleaning streets.

On No. 90: Appropriates \$1,000 as proposed by the House, instead of \$5,000 as proposed by the Senate, for cleaning snow and ice from cross-walks and gutters.

On Nos. 91 and 92: Makes the appropriation for the bathing beach available from May 15, 1902.

On No. 93: Appropriates \$14,000, instead of \$12,000 as proposed by the House, and \$15,000 as proposed by the Senate, for general supplies of the electrical department.

On No. 94: Appropriates \$9,000 as proposed by the Senate, instead of \$8,000 as proposed by the House, for placing under ground the wires of the electrical department.

On Nos. 95 and 96: Strikes out the appropriation of \$5,250 proposed by the Senate for a 4-dial 4-number manual transmitter for fire-alarm office, and makes a verbal correction in the text of the bill.

On Nos. 97 and 98: Appropriates \$4,000 as proposed by the Senate, instead of \$3,500 as proposed by the House, for raising roof of building occupied by fire alarm headquarters.

On Nos. 99, 100, 101, 102, 103, 104, 105, 106, and 107: Appropriates \$200,000 as proposed by the Senate, instead of \$185,000 as proposed by the House, for street gaslighting; limits the price per lamp to \$30 as proposed by the Senate, instead of \$18 as proposed by the House; requires the gas company to pay the expense of purchasing, erecting, and maintaining new lamp-posts, street designations, lanterns, and fixtures; authorizes the use of \$15,000 as proposed by the House, instead of \$20,000 as proposed by the Senate, for Welsbach street lights of not less than 60 candlepower, at a cost of not exceeding \$25 per lamp as proposed by the House, instead of \$30 as proposed by the Senate; and inserts a provision authorizing the gas company during the fiscal year 1903 to reduce from 25 candlepower to 23 candlepower illuminating gas.

On Nos. 108, 109, and 110: Appropriates \$76,000, instead of \$66,656 as proposed by the House and \$85,000 as proposed by the Senate, for electric arc lighting; fixes the price at \$72 per annum as proposed by the House, instead of \$85 as proposed by the Senate, for each electric arc light, and inserts the provision proposed by the Senate authorizing the erection of poles and the stringing of overhead wires outside of the fire limits and east of Rock Creek for electric-lighting purposes.

On No. 111: Strikes out the appropriation of \$18,000 proposed by the Senate for preliminary surveys for additional conduit from Great Falls.

On Nos. 112 and 113: Appropriates \$600,000 as proposed by the House, instead of \$1,200,000 as proposed by the Senate, for the filtration plant.

On No. 114: Appropriates \$67,240 as proposed by the Senate, instead of \$12,000 as proposed by the House, for fencing and other improvements around the Washington City Reservoir and shafts of the Washington Aqueduct tunnel.

On No. 115: Appropriates \$2,500 as proposed by the House, instead of \$20,000 as proposed by the Senate, for Rock Creek Park.

On Nos. 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, and 156, all relating to the public schools: Strikes out all of the increases in salaries proposed by the Senate on account of employees of the school board and of school teachers, except that one head of department of English in Manual Training School No. 1, at \$1,300, is provided for instead of one teacher, at \$1,000; appropriates for expenses of night schools and for kindergarten instruction, as proposed by the House, instead of as proposed by the Senate; strikes out the appropriation of \$5,500 proposed by the Senate for medical inspectors of schools; provides for a superintendent of janitors, at \$1,200, as proposed by the Senate; appropriates \$55,000, as proposed by the House, instead of \$60,000, as proposed by the Senate, for repairs of school buildings; appropriates \$12,000, as proposed by the Senate, for repair of heating apparatus in school buildings; strikes out the appropriation of \$5,000 proposed by the Senate for grading, filling, paving, draining, and inclosing school yards; appropriates \$15,000, as proposed by the House, instead of \$20,000, as proposed by the Senate, for tools, etc., in connection with instruction in manual training; appropriates \$2,500, as proposed by the Senate, for pianos for school buildings; appropriates \$22,500, as proposed by the Senate, instead of \$45,000, as proposed by the House, for text-books and school supplies; provides for a business high school building, as proposed by the Senate, to cost not exceeding \$175,000, and appropriates \$77,500 for site and plans therefor; appropriates, as proposed by the Senate, \$25,000 for a new school building in Brookland, \$7,000 for purchase of lot for Western High School, and \$1,944 for additional playground for Giddings School; and strikes out the following appropriations proposed by the Senate: \$15,000 for manual training school on School street, \$26,000 for reconstructing Henry School, and \$95,000 for a new school building in the second division.

On Nos. 157, 158, 159, 160, 161, and 162, all relating to the Metropolitan police: Provides for 15 additional policemen instead of 35 as proposed by the Senate; appropriates \$30,000 as proposed by the Senate, instead of \$25,000 as proposed by the House, for contingent expenses; appropriates \$20,000 as proposed by the Senate for a station house and stable in southeast Washington, and \$600 for rent of a building in said precinct.

On Nos. 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, and 180, all relating to the fire department: Strikes out all of the increases in compensation proposed by the Senate; appropriates \$65,860, instead of \$60,000, as proposed by the House, and \$71,480, as proposed by the Senate, for miscellaneous objects, including repairs to engine houses, apparatus, contingent expenses, and other objects; appropriates \$15,750, as proposed by the House, instead of \$15,000, as proposed by the Senate, for purchase of new engines; strikes out the appropriation of \$25,000 proposed by the Senate for a new engine house in the southwestern section; appropriates \$22,000, as proposed by the Senate, for a new truck house in the southeastern section, and authorizes the diversion of an unexpended balance of an appropriation for completing a stable on North Carolina avenue.

On Nos. 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, and 192, all relating to the health department: Provides for an inspector and deputy health officer at \$1,800, instead of an inspector at \$1,200; increases the compensation of the chemist from \$1,600 to \$1,800; increases the compensation of the chief clerk and deputy health officer from \$1,800 to \$2,200; provides for 2 additional sanitary and food inspectors at \$900 each; strikes out the proposed increase in the salaries of 1 veterinary surgeon from \$1,200 to \$1,500 and of 6 sanitary and food inspectors from \$900 to \$1,200, and appropriates \$1,000, instead of \$1,500, as proposed by the Senate, for traveling expenses of sanitary and food inspectors.

On Nos. 193, 194, 199, and 200, transfers the salary of the deputy marshal from the force in the care of the court-house to the police-court paragraph.

On Nos. 195 and 196: Appropriates for 10 justices of the peace at \$2,000, as proposed by the House, instead of at \$2,400 each, as proposed by the Senate.

On Nos. 197 and 198: Strikes out the provision proposed by the House that fees should not be paid to the clerk of the supreme court by the District of Columbia and fixes the compensation of the clerk of the supreme court of the District at \$4,000, as proposed by the Senate, instead of at \$3,500, as proposed by the House.

On No. 201: Appropriates for salary of the warden of the jail \$2,000, as proposed by the House, instead of \$2,250, as proposed by the Senate.

On Nos. 202, 203, and 204: Provides, as proposed by the Senate, for an additional inspector at \$720 and increases the amount for traveling expenses from \$200 to \$400 for the board of charities.

On Nos. 205, 206, 207, 208, and 209: Appropriates \$1,200, as proposed by the Senate, instead of \$1,000, as proposed by the House, for principal overseer at

the Washington Asylum and strikes out the other increases in salaries of employees of that institution proposed by the Senate.

On Nos. 210, 211, 212, 213, 214, and 215: Strikes out the increases in compensation of employees at the Reform School for Girls proposed by the Senate and the appropriation of \$5,000 for an additional building for that institution.

On Nos. 216 and 217: Strikes out the appropriation of \$5,000 proposed by the Senate for plans for a new building for the Freedmen's Hospital.

On No. 218: Strikes out the appropriation of \$25,000 proposed by the Senate for reconstructing building for the National Homeopathic Hospital.

On No. 219: Appropriates \$1,450 proposed by the Senate for protecting the Central Dispensary and Emergency Hospital from fire.

On Nos. 220, 221, and 222: Appropriates \$12,000 for the Hart Reform School, as proposed by the Senate.

On No. 223: Appropriates \$3,000, as proposed by the Senate, for completing a building for the Industrial Home School.

On No. 224: Appropriates for the National Association for the Relief of Destitute Colored Women and Children without requiring a contract to be made with the Board of Children's Guardians.

On Nos. 225 and 226: Inserts the provision proposed by the Senate with reference to the service of Government employees in the National Guard of the District of Columbia.

On No. 227: Strikes out the appropriation proposed by the Senate requiring a reduction of 10 per cent of appropriations made by the bill under certain conditions.

On Nos. 228 and 229: Strikes out the increase in the salary of the clerk in the water department from \$1,400 to \$1,600, proposed by the Senate.

On No. 230: Restores section 2 of the House bill, and inserts as section 3 a provision authorizing advances out of the General Treasury to meet any deficiency in the revenues of the District of Columbia during the fiscal year 1903.

On Nos. 231, 232, and 233: Inserts sections 4, 5, and 6 of the bill, as proposed by the Senate, with reference to the taxation of real estate and providing for taxation of personal property; both of which sections are quoted literally in the accompanying conference report, which is printed in the RECORD.

On No. 234: Makes necessary change in the numbering of a section.

The bill as finally agreed upon appropriates \$3,547,526.97, being \$550,316 more than as it passed the House, \$1,346,847 less than as it passed the Senate, \$45,257.03 more than the law for the current fiscal year, and \$2,219,971 less than the estimates of the Commissioners.

J. T. MCCLARY,
J. G. CANNON,
M. E. BENTON.

Managers on the part of the House.

CHOCTAW AND CHICKASAW INDIANS.

Mr. CURTIS submitted the following conference report, with the accompanying statement of the House conferees, to be printed in the RECORD and lie over, under the rule:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13172) to ratify and confirm an agreement with the Choctaw and Chickasaw tribes of Indians, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 16.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 8, 9, 10, 11, 13, 19, 20, and 21; and agree to the same.

Amendment numbered 6: That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment as follows: Restore the matter proposed to be stricken out by said amendment and add at the end thereof the following:

"Such citizenship court shall also have like appellate jurisdiction and authority over judgments rendered by such courts under the said act denying claims to citizenship or to enrollment as citizens in either of said nations. Such appeals shall be taken within the time hereinbefore specified and shall be taken, conducted, and disposed of in the same manner as appeals by the said nations, save that notice of appeals by citizenship claimants shall be served upon the chief executive officer of both nations: *Provided*, That paragraphs 31, 32, and 33 hereof shall go into effect immediately after the passage of this act by Congress."

And the Senate agree to the same.

Amendment numbered 7: That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment as follows: In lieu of the matter proposed to be stricken out by said amendment insert the following: "and such intermarried white persons as may have married recognized citizens of the Choctaw and Chickasaw nations in accordance with the tribal laws, customs, and usages on or before the date of the passage of this act by Congress;" and the Senate agree to the same.

Amendment numbered 12: That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment as follows: At the end of said amendment add the following: "all of said Mississippi Choctaws so enrolled by said Commission shall be upon a separate roll;" and the Senate agree to the same.

Amendment numbered 14: That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment as follows: In lieu of the matter intended to be inserted by said amendment insert the following: "in good faith continuously resided;" and the Senate agree to the same.

Amendment numbered 15: That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows: In lieu of the matter intended to be inserted by said amendment insert the following: "continuous, bona fide;" and the Senate agree to the same.

Amendment numbered 17: That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following: "Provided, That occupants or purchasers of lots in town sites in said Choctaw and Chickasaw nations upon which no improvements have been made prior to the passage of this act by Congress shall pay the full appraised value of said lots instead of the percentage named in the Atoka agreement;" and the Senate agree to the same.

Amendment numbered 18: That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment as follows: Restore the matter intended to be stricken out by said amendment and add at the end thereof the following: "Provided, however, That nothing contained in this section shall be construed or held to commit the Government of the United States to any expenditure of money upon said lands or the improvements thereof, except as provided herein, it being the intention of this provision that in the future the lands and improvements herein mentioned shall be conveyed by the United States to such Territorial

or State organization as may exist at the time when such conveyance is made," and the Senate agree to the same.

Amendment numbered 22: That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment as follows: Omit the word "SEC." before each paragraph number wherever it occurs and number the paragraphs consecutively; and the Senate agree to the same.

CHARLES CURTIS,
JOHN F. LACEY,
JOHN S. LITTLE,
Managers on the part of the House.
WM. M. STEWART,
O. H. PLATT,
JAMES K. JONES,
Managers on the part of the Senate.

The statement is as follows:

The managers on the part of the House at the conference of the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13172) to ratify and confirm an agreement with the Choctaw and Chickasaw tribes of Indians, and for other purposes, submit the following statement in explanation of the fact of the action agreed upon and recommended in the accompanying conference report:

The House managers recede from the disagreement to the Senate amendments numbered 1, 2, 3, 4, 5, 8, 9, 10, 11, 12, 13, 19, 20, and 21, and agree to the same.

Amendments 1, 2, 3, 4, 5, 8, 10, 11, 12, 20, and 21 are simply changes of phraseology.

Amendment No. 9 changes the word "person," so as to make the provision apply to the Mississippi Choctaw Indians, whether of full or of mixed blood, and thus makes the provision more definite and certain.

Amendment No. 19 extends the time for the calling of a special election to ratify the agreement on the part of the Choctaws and Chickasaws from ninety days to one hundred and twenty days. The Senate recedes from amendment No. 16.

From amendments Nos. 14 and 15 the House recedes, with an amendment, thus restoring the House provisions and changing the wording of the sections, so as to require that the Mississippi Choctaws shall in good faith have resided upon the lands in the Choctaw Nation for a period of three years in order to establish their rights in said nation.

The House recedes from amendment No. 13, which is an amendment striking out the House provision making an appropriation of \$15,000 to remove the Mississippi Choctaws from Mississippi to the Indian Territory.

The House recedes from amendment No. 6, with an amendment which gives those persons whose applications have been rejected by the court the same right to appeal that is given the nation in cases decided against them.

The House recedes from its amendment No. 17, with an amendment which simply requires those persons who may hereafter make improvements upon town lands in the Indian Territory to pay the full appraised value, and the section thus amended permits persons who have heretofore made improvements upon town lots under the Atoka agreement pay simply the price provided for in said agreement. This amendment fully protects the interests of those people who have gone to the Indian Territory and expended their money in good faith in building up towns.

The House recedes from its disagreement to amendment No. 18, with an amendment which declares the purpose of Congress in regard to the Sulphur Springs referred to in said section, which is not to permanently hold the said land.

The House recedes from its disagreement to amendment No. 7, with an amendment which limits the time for the admission of intermarried whites to the rolls of the Choctaw and Chickasaw tribes to date with the passage of this act by Congress.

CHARLES CURTIS,
JOHN F. LACEY,
JOHN S. LITTLE.

NAVAL APPROPRIATION BILL.

Mr. FOSS submitted the following conference report, with the accompanying statement of the House conferees, to be printed in the RECORD and lie over, under the rule:

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 14046) making appropriations for the naval service for the fiscal year ending June 30, 1903, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 7, 13, 46, 47, 52, 56, 57, 58, 64, 77, 82, and 93.

That the House recede from its disagreement to the amendments of the Senate numbered 9, 25, 26, 88, and 89, and agree to the same.

Amendment numbered 24: That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"That the appointment of six additional civil engineers is hereby authorized, three to be appointed during the present calendar year, and the other three in the calendar year of 1903."

And the Senate agree to the same.

Amendments numbered 37, 38, 39, and 40: That the House recede from its disagreement to the amendments of the Senate numbered 37, 38, 39, and 40, and agree to the same with an amendment as follows: In lieu of the amended paragraph (being lines 18, 19, 20, and 21, on page 33 of the bill) and of the amendments insert the following:

"Navy-yard, Charleston, S. C.: Stone and concrete dry dock (toward completion), \$250,000; *Provided*, That the amount authorized in the act of June 7, 1900, to be expended for the purchase of a site for a naval station at or in the vicinity of Charleston, S. C. from the appropriation for a new naval station and a dock be increased from \$100,000 to \$106,000, and \$6,000 are hereby appropriated; office building for the commandant, \$23,000; quarters for the commandant, \$12,000; quarters for civil engineer, \$7,500; landing and wharves, \$50,000; grading and drainage, \$10,000; workshop (to cost \$80,000), \$50,000; storehouse and storekeeper's office, \$50,000; equipment building (to cost \$125,000), \$82,500; machine shop for steam engineering (to cost \$174,000), \$80,000; foundry and copper shop for steam engineering (to cost \$118,000), \$60,000; power house (to cost \$50,000), \$25,000; workshop for ordnance, \$40,500; ship fitters' shop, with mold loft and furnace shed, for construction and repair (to cost \$200,000), \$50,000; power house and fuel storage for construction and repair (to cost \$80,000), \$35,000; machine shop for construction and repair (to cost \$120,000), \$40,000; joiner shop for construction and repair (to cost \$120,000), \$30,000; foundry for construction and repair (to cost \$75,000), \$20,000; in all, navy-yard, Charleston, \$913,900.

"In all cases where buildings and structures are provided for in this act

and where appropriations in full are not made for the same, authority is hereby given to the Secretary of the Navy, in his discretion, to enter into contracts for the entire construction of such buildings and structures, within the limit of cost as fixed in this act."

And the Senate agree to the same.

Amendment numbered 43: That the House recede from its disagreement to the amendment of the Senate numbered 43, and agree to the same with an amendment as follows: In lieu of the sum proposed insert the following: "\$7,649,325;" and the Senate agree to the same.

Amendment numbered 61: That the House recede from its disagreement to the amendment of the Senate numbered 61, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"That in addition to the number of naval constructors and assistant naval constructors now authorized, the appointment of six assistant naval constructors is hereby authorized, two to be appointed during the present calendar year, and the remaining four in the calendar year of 1903."

And the Senate agree to the same.

Amendment numbered 76: That the House recede from its disagreement to the amendment of the Senate numbered 76, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"That, until the year 1914, in addition to the naval cadets now authorized by law (the title having been changed by this act to midshipmen), the President shall appoint five midshipmen, and there shall be appointed from the States at large, upon the recommendation of Senators, two midshipmen for each State."

And the Senate agree to the same.

On amendment numbered 91 the committee of conference have been unable to agree.

GEORGE EDMUND FOSS,
ALSTON G. DAYTON,
ADOLPH MEYER,
Managers on the part of the House.
EUGENE HALE,
GEO. C. PERKINS,
B. R. TILLMAN,
Managers on the part of the Senate.

The statement of the House conferees is as follows:

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 14046) making appropriations for the naval service for the fiscal year ending June 30, 1903, and for other purposes, submit the following written statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report on each of the amendments of the Senate, viz:

On No. 1: Strikes out the increase in the amount of appropriation for pay of the Navy, as proposed by the Senate.

On Nos. 7 and 13: Places the provision "maintenance of colliers" under the Bureau of Navigation.

On No. 9: Reappropriates the unexpended balances remaining in the Treasury June 30, 1902, from the appropriation for "Ordnance and ordnance stores," 1900, or so much thereof as may be necessary, for expenditure in the fulfillment of contracts heretofore made and properly chargeable to such appropriation.

On No. 24: Provides that the corps of civil engineers shall be increased by six civil engineers, three to be appointed the present calendar year and three the following year.

On Nos. 25 and 26: Appropriates \$500 for making an examination concerning the furnishing water supply of Portsmouth Navy-Yard, and an appropriation of \$200,000 toward the removal of Hendersons Point, near said navy-yard.

On Nos. 37, 38, 39, and 40: Appropriates \$663,900 additional for the development of the navy-yard at Charleston, S. C., as more fully appears in conference report above.

On No. 43: Increases the totals in appropriations for public works by the amounts agreed to in conference, as proposed by the Senate.

On No. 46: Strikes out the appropriation of \$100,000 for the construction of a building for Bureau of Equipment at Pensacola Navy-Yard, proposed by the Senate.

On No. 47: Strikes out the increase in the appropriation for public works, Bureau of Ordnance, as proposed by the Senate.

On No. 52: Strikes out the provision for an increase in the corps of surgeons.

On No. 56: Strikes out appropriation of \$2,000 for one bookkeeper and one clerk at Pensacola Navy-Yard, as proposed by the Senate.

On No. 57: Strikes out the increase in total appropriations for civil establishment, Bureau of Supplies and Accounts, as proposed by the Senate.

On No. 58: Strikes out provision for increase in the Pay Corps, as proposed by the Senate.

On No. 61: Provides that the corps of naval constructors shall be increased by 6 naval constructors; two to be appointed the present calendar year and 4 the following year.

On No. 64: Strikes out the appropriation of \$200,000 for an experimental station and testing laboratory at Annapolis, proposed by the Senate.

On No. 76: Increases the corps of midshipmen by providing that until the year 1914, in addition to the naval cadets now authorized by law (the title having been changed by this act to midshipmen), the President shall appoint five midshipmen, and there shall be appointed from the States at large, upon the recommendation of Senators, two midshipmen for each State.

On No. 77: Strikes out the provision authorizing all examinations for admission to the Naval Academy to be held at Annapolis, as provided by the Senate.

On No. 88: Appropriates \$1,500 for improvements at the Marine Barracks, navy-yard, Boston, as proposed by the Senate.

On No. 89: Changes the amount of total appropriations for public works in accordance with the above.

On No. 92: Strikes out the provision for five more Holland submarine boats, as provided by the Senate.

On No. 93: Strikes out the provision for the testing and purchasing of submarine boats other than that of the Holland type.

The committee of conference have been unable to agree on the following amendment:

On No. 91, as to "increase of the Navy" and the method of construction of new ships authorized, whether they shall be built by contract or some in the Government navy-yards, or the whole subject be left within the discretion of the Secretary of the Navy.

GEORGE EDMUND FOSS,
ALSTON G. DAYTON,
ADOLPH MEYER,
Managers on the part of the House.

ELECTION CONTEST—HORTON AGAINST BUTLER.

Mr. BARTHOLDT. Mr. Speaker, in the spring of 1901 I wired the governor of Missouri from Republican headquarters at St. Louis: "This city is in the hands of a ballot-box stuffing mob," and then went on to say that he would be held responsible, etc. This relates to the spring election, an exact duplicate of the fall election of 1900. Let me say right here that the citizens of St. Louis, not to speak of the Republicans at all, have no more control over their own elections than they have over the affairs of Afghanistan, for the reason that the governor of the State, under Democratic law, appoints the election board, and is thus placed in almost absolute control, by a cunningly devised machinery, of all our elections.

Hence the governor's responsibility, to which I have just referred. I was prompted to send that message to the governor on the morning of the day of election by reports coming to headquarters from half a dozen wards in the central portion of the city that bands of Democratic repeaters were being driven in wagon loads from one polling place to the other, and were voting again and again by means of slips furnished them by someone on the inside. These reports proved to be true, although at that time we had no idea of the extent of the crimes which were being committed against the ballot. There were a number of hot-headed young fellows at Republican headquarters who in wrathful indignation demanded that fraud be met by force. We succeeded in pacifying them by sending the dispatch I just referred to and by pointing to the courts as our remedy. How bitterly we were disappointed in this is now a matter of history.

The reply from Jefferson City was that the governor was not at home, and when we appealed to the courts we were told by the tribunal of last resort, the State supreme court, that the ballot boxes could not be opened, because the secrecy of the ballot must not be interfered with. This decision, effectually nailing up the ballot boxes, was handed down just in time to prevent the frauds and criminal secrets of the ballot boxes from being revealed. It gladdened the hearts, if they have any, of the perpetrators of these election outrages, but it filled with righteous indignation every honest man who loves his country and believes in the political rights guaranteed by its institutions.

As an American citizen I believe there is a redress under our political skies for every wrong. Therefore I appear before the bar of public opinion, and, on behalf of an outraged constituency, which in this instance is a vast majority of the people of Missouri, confidently lay our case before this House and the country. It is our last recourse. All other means of redress being denied us, we propose to arouse the public conscience by laying the facts before the highest authority, and then this fall we shall appeal to that authority, the people themselves, for a verdict upon that issue alone. [Applause.]

Mr. CLAYTON. From what publication or document has the gentleman been reading?

Mr. BARTHOLDT. I decline to answer such a question.

Mr. GROSVENOR. Will the gentleman allow me to ask him one question?

Mr. BARTHOLDT. I will, with pleasure.

Mr. GROSVENOR. It is stated as an historical fact—I should like to have your statement in regard to it—that the Republican party in the State of Missouri gave Mr. McKinley 48 per cent of the popular vote of that State at the election of 1900.

Mr. BARTHOLDT. Yes, between 47 and 48 per cent.

Mr. GROSVENOR. It is further reported that the present apportionment law adopted by a Democratic legislature is so arranged that the Republicans will have 1 representative out of 16. Is that correct?

Mr. BARTHOLDT. The districts are so gerrymandered that it is the intention of the Democrats to take 15 and graciously yield us 1.

Mr. GROSVENOR. That is all I wanted to know.

Mr. BOWIE. I would like the gentleman from Ohio to answer me a question.

Mr. GROSVENOR. Very well.

Mr. BOWIE. Does the gentleman think that that has anything to do with this case?

Mr. GROSVENOR. Yes.

Mr. BOWIE. How?

Mr. GROSVENOR. As raising a presumption, at least, that a similar policy has been followed in other matters.

Mr. BOWIE. Then you think that because the Democrats may have done something they ought not to have done, you ought to go to work and do the same?

Mr. GROSVENOR. Oh, no; the only object is to show how your party is influenced in other things.

Mr. BARTHOLDT. Mr. Speaker, I wish to say that I prefer not to be interrupted. I intend to present my argument logically, and I believe that any question which gentlemen may feel inclined to ask will be answered in the course of my remarks.

The SPEAKER. The Chair will protect the gentleman from interruption.

Mr. BARTHOLDT. Mr. Speaker, St. Louis is a Republican city by a large majority. In 1896 McKinley carried it by 15,000. Then came the Nesbit law, and the Republican majorities went glimmering. They had disappeared as if by magic. The same as the contestee in the case now under discussion, there are many Democrats now holding offices in St. Louis to which they have no title. At two succeeding elections every Republican candidate was slaughtered by the infamous methods which I have just described. But when we instituted contests and proceeded to prove that the incumbents were not legally elected, a partisan supreme court stopped us on the way to the ballot boxes and told us in as many words that, no matter how much evidence of fraud they may contain, these boxes must not be opened because the secrecy of the ballot would thus be violated.

This ended the contests, of course. We had exhausted our efforts to vindicate justice and the sanctity of the franchise. There was general indignation among the people who still cherish these things—treasures without which our republican form of government would be but an empty word—but they were scoffed at and derided on account of their very impotence. There remained one consolation, the fact that Congress could pass upon the election in the Twelfth district. Hundreds of public-spirited citizens came immediately to the front, offering their mites for the institution of a contest, and even if I attempted to describe it I could give you but a faint idea of the sacrifices made and the sum total of time, energy, and money expended to unearth the frauds and gather the evidence in this case.

In this connection let me ask the question: Is there another State in this great Union of ours where the only method by which election frauds may be detected is prohibited? There is none. Missouri alone enjoys that unenviable distinction. And do you not agree with me, Mr. Speaker, that there ought to be a change; that this alone should be the strongest possible inducement to the voters toousthe party which is responsible for such a humiliating condition? And if you will bear with me, I will show you that it is not partisanship which dictates these sentiments.

The demand for honest elections is certainly not a partisan demand. If it were, the party opposing it would never see daylight again. It would be an insult to the honest Democrats of Missouri to assume that they would less vigorously denounce and repudiate election frauds than the honest Republicans do. There may be a difference in the intensity of feeling, and there may be those who are disinclined to accept proof of fraud and corruption against their own party, but if a party once stands convicted of fraud, by positive and incontrovertible evidence, and the knowledge of it becomes public property, then that party's doom is sealed.

The reason is that the American people are instinctively for fair play, and this instinct is much stronger than partisanship. Moreover, no true American will stand idly by while the fountainheads of popular government are being poisoned. He will protest and will make common cause with anybody or any party to protect his priceless heritage. Upon this, Mr. Speaker, are founded our hopes in Missouri. [Applause on the Republican side]

I said "positive and incontrovertible evidence of fraud and corruption." This has been adduced in bulk in the Horton-Butler contest now under discussion. It fills three thick volumes.

Nothing that I can say could add to the force of the indictment contained in the majority report of the committee. That report is a masterly array, in a nutshell, of all the intricacies of the case, and for it the honorable chairman of the committee, the distinguished gentleman from Ohio [Mr. TAYLER] is entitled to the highest commendation. His conscientious labors and those of his able coworkers on the committee are nowhere more appreciated I assure them, than in St. Louis and Missouri.

If partisanship instead of a sense of exact justice had actuated them they would have reported in favor of seating the Republican contestant. We should have been glad if they had reached such a conclusion, but we accept their decision that no valid election was held in the Twelfth district, as the just verdict of an unbiased, fair-minded jury. I have not the time to go into details, nor shall I rehash the facts and arguments which have already been so ably and well presented by the gentlemen who preceded me. But for a better understanding of the case it is necessary that I call attention to some of the more glaring features of that election, or of what is dignified by that name.

In 1898 the total Republican and Democratic vote in the district was 28,299. In 1900 it was 40,655, an increase of 12,346 in two years, while in the adjoining district, which I have the honor to represent and which has a much larger population, the increase was but 9,000 votes. This plainly shows the padding of the vote, but the fraud will become still more apparent when you compare the relative increase in the party vote. While in the Butler district the Democratic increase was over 9,000,

namely, 9,115, as against a Republican increase of but 3,241; in my district the increase in the vote of the two parties was almost exactly the same—about 4,500. And the same is true in the other adjoining district, the one so ably represented by my colleague, Mr. JOY. There, too, the corresponding increase in the Republican and Democratic vote is about even, namely, 7,700 in one case and 7,300 in the other. Why this discrepancy? Mr. JOY was elected by 2,600 plurality in 1898 and by 2,700 in 1900. I was elected by 6,500 plurality in 1898 and by 6,400 in 1900. These are the two adjoining districts. But in the Butler district the Republican plurality of 2,300 was completely wiped out and a Democratic plurality of 3,553 returned, a difference of nearly 6,000 votes! It is claimed that there were certain causes militating against the Republican ticket; but if this were true, surely the same causes would have operated in all districts alike, because all three are in the city of St. Louis.

This, however, is not the case, as I have already shown. To explain the abnormal Democratic increase in the Twelfth district the claim is set up in the minority report that many Republicans voted for the Democratic candidate because they did not like their own. The figures do not bear out this assertion. In 1898 Major Pearce, an exceptionally popular candidate, received 15,310 votes in this district, while in 1900 Mr. Horton received 18,551, a healthy and natural increase due to the Presidential election. The fact is that whatever losses contestant may have suffered on personal grounds were more than made up by gains caused by Democratic objections to contestee. Thus the abnormal increase in the Democratic vote remains unexplained except on the theory that gigantic frauds were perpetrated.

Circumstantial evidence, you say? Yes; but hundreds of citizens have seen these frauds perpetrated with their own eyes. They have seen the repeaters as they were driven in wagonloads from polling place to polling place; they have seen them enter; they have seen the doors closed behind them, and they have seen them emerge after their nefarious work was done. In many places they saw how the Republican challengers and judges and clerks were ejected, and they saw how all this was done under the very eyes, with the connivance of and in some cases under the protection of the police.

This is not circumstantial evidence, but what I have just recited are stubborn facts which the minority of the committee by no amount of sophistry can explain away. There were about seventy-five to a hundred of those repeaters or "Indians," as they are called in slander of our aborigines. On election day they were divided in smaller bands, and, each under the leadership of a chief, sent out to do the work for which they had been hired. The preparations for these election crimes had been so openly and boldly carried on that weeks in advance the Republican leaders were fully advised of the plans of the Democratic bosses.

We knew that the registration lists had been padded with thousands of fraudulent names, and that each one of those names was to be voted. They were registered in large numbers from stables, saloons, coal yards, bawdy houses, and vacant lots. From the stables of the Excelsior Hauling Company—an enterprise controlled by Edward Butler, contestee's father—97 men were registered, though it is a notorious fact that not more than two or three men usually live there. To what extent fraudulent registration has been carried on was shown later when 19,000 names were dropped from the voters' lists.

We were advised, I repeat it, of every detail of the scheme to steal the election, but under the circumstances the Republicans were well-nigh helpless. The election machinery and the police organization were completely under the domination of the Democratic party. Should the Republicans resort to force to prevent the perpetration of the frauds? Fortunately, calmer councils prevailed, and as the only alternative left this plan was finally agreed upon: That registered letters be addressed to those suspected of false registration, and warrants be issued against all the persons who could not thus be found.

These warrants were to be placed in the hands of deputy sheriffs to be specially appointed for that purpose. It was an honest and perfectly legal plan to prevent crime. Of course but a small percentage of the 1,500 registered letters which were sent out could be delivered, but when the deputy sheriffs on the morning of the election presented themselves at the polls with their warrants, they were told by the police to move on. A State law, which provides that no electioneering shall be permitted within 100 feet of the polls, was enforced by the police even against the officers of the law, in which capacity the deputy sheriffs undoubtedly acted.

Under these circumstances no arrests could be made, because a fraudulent voter could be identified only when inside of the poll he would announce his alleged name. Had the presence of a deputy sheriff been permitted, he would have immediately arrested his man, and probably the whole conspiracy would have been nipped in the bud. It was for this reason that, as a result of a

dark-lantern conference at the Southern Hotel, orders were issued to the police to keep the deputy sheriffs away from the polls. These orders were carried out to the letter at each polling place. Thus the last obstacle to the boldly arranged orgies of fraud was swept away and a new chapter was added to the election history of fair St. Louis which brings the blush of shame and indignation to the cheek of every good citizen, irrespective of party affiliation.

Do not imagine, as evidently the conspirators did, that the public conscience of St. Louis was dead or paralyzed. On the contrary, never in my life did I see it more thoroughly aroused. Every avenue of lawful redress being closed, there was wild talk of violence in every precinct of the district and city.

"Yes, there's a limit to the despot's power!
When the oppressed looks round in vain for justice,
When his sore burden may no more be borne,
With fearless heart he makes appeal to Heaven,
And thence brings down his everlasting rights,
Which there abide, inalienably his,
And indestructible as are the stars," etc.

In these words of the poet can best be described what was uppermost in the minds of the people. Riots and bloodshed were fortunately averted, as I said before, but for this the Democratic bosses can claim no part of the credit. In view of the wrongs and outrages committed against the Republicans at that election, how absurd and ridiculous is the assertion made in the minority report that the Democratic leaders had met at the Southern Hotel "to discuss and consider"—I follow the language of the report—"what rights the Democratic party had left in St. Louis, if any."

It reminds me of the wolf in the fable who accuses the lamb of muddying the water, though the wolf was standing upstream and the lamb way down. It is adding insult to injury. It is like accusing a man of assault and battery who lies flat on his back, tied hand and foot. The rights and privileges which the Republicans of St. Louis enjoyed in the management of campaigns, insignificant as they always had been, were taken away from them by the Nesbit law, an instrument specially designed for that purpose.

Let me tell you something about that law. It is as neat a piece of partisan legislation as has ever been brought to the notice of this House or the country. It applies to St. Louis alone. The reason for this is that the great metropolis of the Mississippi Valley, abreast with the best sentiment of the country, had dared to give McKinley 15,000 majority, while most of the rural districts of Missouri had rolled up their old-time Democratic majorities. This was bitter, so the bosses went to the legislature and asked that St. Louis be made Democratic by law.

Troubled by their consciences and afraid of public opinion, some of the Democratic members balked, but they were finally whipped into line. The Nesbit law was passed, and it was a great moment, because from the birth of Nesbitism dates the decadence of the Missouri Democracy. It was giving notice to all the people of the State that Democratic majorities are no longer the natural expressions of public opinion, but must henceforth be manufactured by artificial devices. You see? But what are the provisions of the law?

Well, the governor appoints three election commissioners, not four, as in some Republican States, so that two might be appointed for each party; oh, no; only three—two Democrats and one Republican, and the Republican, too, is one of his own choosing. No matter how good a man the representative of the minority party may be, you know that a pair always beats ace high. That is the secret of the law. The rest is easy. The commissioners have complete charge of the registration, locate the polling places, and appoint the judges and clerks of election.

It is true that the Republican judges and clerks shall be recommended by the city central committee of that party, the same as the Democratic election officials, but there is no provision to prevent the commissioners from arbitrarily substituting other names for those recommended by the party committees. Wholesale substitutions of this kind were made in the Twelfth district. According to the law these substitutes should have been Republicans, but what party they really belonged to was shown when the ballots were examined. Fifty-four of these alleged Republicans voted the Democratic ticket outright, three scratched Horton, and three voted for the third party candidate.

Here we have the reason, too, why the election law of 1895, the passage of which had been forced through the legislature by public opinion and a Republican lower house, was supplanted by the partisan measure I am just discussing. It is because under the old law Republican judges and clerks were sure to be appointed. Why, this gave the Republicans an equal chance at the polls, therefore would never do! Under these circumstances do you blame the Republicans of St. Louis for looking to Congress for relief, for urging you first, that the fraudulent results of such election methods be not recognized, and second, that the United States Government throw such safeguards around Congressional elections as to render a repetition of such outrages impossible?

Permit me to quote the expressions of the recent State convention of the Republicans of Missouri on this question. I insert them here:

The fundamental doctrines of an honest ballot and a fair count compel the earnest attention and demand the unselfish support of every elector of the State, irrespective of former political affiliations, because at present, by virtue of unfair and partisan laws passed by the Democratic legislature and signed by a Democratic governor, in the three great commercial centers, namely, in St. Louis, Kansas City, and St. Joseph, the whole matter of registration of all voters and the conduct of all elections for local as well as State officers is in the exclusive power of boards selected by the governor, without the consent of the local authorities or their people, and without such safeguards as will insure a fair expression of the voters' will.

The partisan and infamous administration of the Nesbit law for St. Louis in two elections has operated so successfully as to return the election of candidates who received a minority of the votes cast, and their title to office was validated by a decision of a supreme court to the effect that the constitutional provisions authorizing election contests was no longer applicable to protect the honesty of the ballot in that community.

We declare that in violation of these principles of self-government and in contravention of the letter and spirit of the constitution, in order to keep in power politicians without sanction of a majority of the voters, numerous laws from time to time have been enacted by the Democratic legislature and sustained by decisions of the supreme court which vests in the governor the sole authority to appoint various boards and officers with unlimited power over the local affairs and municipal revenues of the cities of St. Louis, Kansas City, and St. Joseph, without the voice or consent of the local authorities or their people.

We declare that all cities and towns in the State should be self-governed, with full authority to select and control their local boards and officers, levy and collect all taxes and charges for local purposes and distribute them as they please and be alone responsible for the local administration, unhampered and unrestrained by the legislation of the State, and to this end we pledge our support to such necessary amendments to the constitution as can not be nullified and construed away by our supreme court.

The platform adopted by the Congressional convention which recently honored me with a renomination contains the following plank, to wit:

We denounce the Democratic party of this State for the passage of iniquitous election and police laws, enacted to prevent a fair expression of the will of the people, and we invite all good citizens, irrespective of party, to join with us for the purpose of correcting this crying evil and of reestablishing a republican form of government in Missouri, such as will guarantee an honest election and a fair count. The efforts of our Representatives in Congress in behalf of a Federal election law have our hearty approval.

"And we invite all good citizens, irrespective of party, to join with us for the purpose of reestablishing a republican form of government in Missouri." This means that what the Constitution of the United States guarantees to every State does not now exist in Missouri. A rather broad assertion, is it not? And yet it is literally true! Does the man, I ask you, who comes to the polling place and finds that his name has already been voted enjoy a republican form of government?

Or does the community enjoy it in which one party, by means of a partisan State law, turns a minority into a majority? Or where repeaters are employed to stifle the popular will? I ask the constitutional lawyers on the other side of the House. They will also be interested to learn of a decision of our State supreme court to the effect that a repeater shall go scot free if he votes a fictitious name fraudulently placed on the registration lists. How will you reconcile such a decision with public morals and constitutional guaranties? Is there a spot in the wide world where the judiciary has stooped so low in order to gain a partisan advantage or to save a follower of its party from the penitentiary?

The minority say in their report that the House of Representatives has no right to annul or set aside the laws of a sovereign State, and this, by the way, is the only defense they wisely attempt of the Nesbit law and its fraudulent results, if it is a defense at all. That assertion is true, of course. They might have gone further and denied the right of Congress to question a decision of the Missouri State supreme court. Certainly there is no such power vested in this body, and no one claims there is. The majority of the committee do not base their findings upon the State law, but upon the facts.

They do not propose to annul the election because of a partisan law which makes fraud possible, but because of the frauds which were actually committed under it. Incidentally, though properly, they call attention to that iniquitous law and to the Democratic methods of its enforcement. We may have no right here to change State laws and decisions, destructive though they are of the people's rights and liberties, but we have the right to cry out against the wrongs inflicted upon us, and in asking redress, incidentally tell the country how Democratic victories in Missouri are to be accounted for. They may not permit our votes to be counted at home, but they can not gag us here. [Applause.]

Mr. TAYLER of Ohio (before the remarks of Mr. BARTHOLDT were concluded). Will the gentleman yield for a motion to adjourn?

Mr. BARTHOLDT. Yes, sir; as the hour is late, I prefer to conclude in the morning.

The SPEAKER. The gentleman from Missouri reserves the balance of his time.

MONUMENT TO PRISON-SHIP MARTYRS.

The SPEAKER. If the gentleman from Ohio [Mr. TAYLER] will withhold the motion to adjourn for a moment—

Mr. TAYLER of Ohio. I will do so.

The SPEAKER. The Chair will lay before the House Senate amendments to House joint resolution No. 6.

The amendments to the joint resolution (H. J. Res. 6) in relation to a monument to prison-ship martyrs at Fort Greene, Brooklyn, N. Y., were read, and, on motion of Mr. McCLELLAN, concurred in.

On motion of Mr. McCLELLAN, a motion to reconsider the vote by which the amendments were concurred in was laid on the table.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and joint resolutions of the following titles; when the Speaker signed the same:

H. R. 3519. An act granting an increase of pension to John Marble;

H. J. Res. 103. Joint resolution relative to the disposition of patent specification and drawing in the western district of Pennsylvania;

H. R. 11019. An act directing the Secretary of the Treasury to bestow medals upon First Lieut. David H. Jarvis, Second Lieut. Ellsworth P. Bertholf, and Samuel J. Call, surgeon, all of the Revenue-Cutter Service;

H. R. 12097. An act to amend the internal-revenue laws in regard to storekeepers and gaugers;

H. R. 9308. An act granting an increase of pension to Edwin P. Johnson;

H. R. 10964. An act granting an increase of pension to Francis M. Beebe;

H. R. 2978. An act for the relief of Joseph H. Penny, John W. Penny, Thomas Penny, and Harvey Penny, surviving partners of Penny & Sons;

H. R. 8327. An act to amend an act entitled "An act for the protection of the lives of miners in the Territories;"

H. R. 6005. An act granting a pension to James A. Chalfant;

H. R. 14247. An act to authorize the Charleston, Suburban and Summerville Railway Company to construct and maintain two bridges across Ashley River, in the State of South Carolina;

H. R. 12056. An act granting an increase of pension to Warren C. Plummer;

H. R. 10856. An act granting a pension to Jacob Findley;

H. R. 9187. An act granting an increase of pension to Caroline A. Hammond;

H. R. 13598. An act granting a pension to John J. Southerland;

H. R. 13123. An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1903, and for other purposes;

H. R. 14182. An act granting an increase of pension to Susan B. Lynch;

H. R. 12804. An act making appropriations for the support of the Army for the fiscal year ending June 30, 1903;

H. R. 2641. An act for the relief of Albion M. Christie;

H. R. 6570. An act to amend the act of May 12, 1900, authorizing the Commissioner of Internal Revenue to redeem or make allowance for internal-revenue stamps; and

H. R. 3110. An act to provide for the construction of a canal connecting the waters of the Atlantic and Pacific oceans.

The SPEAKER announced his signature to enrolled bills and joint resolutions of the following titles:

S. R. 111. Joint resolution limiting the gratuitous distribution of the Woodsman's Handbook to the Senate, the House of Representatives, and the Department of Agriculture;

S. R. 103. Joint resolution providing for the binding and distribution of public documents held in the custody of the Superintendent of Documents, unbound, upon orders of Senators, Representatives, Delegates, and officers of Congress, when such documents are not called for within two years after printing;

S. 4450. An act confirming in the State of South Dakota title to section of land heretofore granted to said State;

S. 5434. An act to authorize the city of Little Falls, Minn., to construct a wagon and foot bridge across the Mississippi River within the limits of said city; and

S. 4776. An act to authorize the construction of a bridge across the Emory River, in the State of Tennessee, by the Tennessee Central Railway or its successors.

ENROLLED BILLS PRESENTED TO THE PRESIDENT OF THE UNITED STATES.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had presented this day to the President of the United States for his approval bills of the following titles:

H. R. 1456. An act granting a pension to William G. Miller;

H. R. 14208. An act granting an increase of pension to Alexander Murdock;

H. R. 14206. An act granting a pension to Mary J. Moore;

H. R. 14042. An act granting an increase of pension to George W. Edgington;
 H. R. 14656. An act granting an increase of pension to Charles A. Scott;
 H. R. 4170. An act granting an increase of pension to Henry P. Macloon;
 H. R. 8769. An act for the relief of S. J. Bayard Schindel;
 H. R. 8108. An act for the relief of John Hornick;
 H. R. 6031. An act authorizing the payment of part of the pension of Ira Steward to Adell Augusta Steward;
 H. R. 6009. An act granting a pension to Absolum Maynard;
 H. R. 621. An act for the relief of Daniel Cherry;
 H. R. 14802. An act for the purchase of real estate for revenue and customs purposes at Wilmington, N. C.;
 H. R. 2066. An act to change the terms of the district court for the eastern district of Pennsylvania;
 H. R. 8840. An act granting an increase of pension to John H. Lauchly;
 H. R. 2063. An act amending an act creating the middle district of Pennsylvania;
 H. R. 10178. An act granting an increase of pension to Daniel Thomas;
 H. R. 6871. An act granting an increase of pension to Harman Scramlin;
 H. R. 3323. An act granting a pension to Daniel L. Mallicoat;
 H. R. 5315. An act granting an increase of pension to Orrin J. Wells;
 H. R. 3500. An act granting an increase of pension to Kate O. Phillips;
 H. R. 10933. An act to provide for the erection at Fredericksburg, Va., of the monument to the memory of Gen. Hugh Mercer, which was ordered by Congress on the 8th day of April, 1777, should be erected;
 H. R. 12507. An act granting an increase of pension to Ebenezer W. Oakley;
 H. R. 12299. An act granting a pension to William C. Roberts;
 H. R. 12648. An act to establish a regular term of United States district court in Roanoke City, Va., and for other purposes;
 H. R. 12284. An act granting an increase of pension to George W. Shaw;
 H. R. 14691. An act to authorize the construction of a pontoon bridge across the Missouri River, in the county of Cass, in the State of Nebraska, and in the county of Mills, in the State of Iowa;
 H. R. 14111. An act to authorize the construction of a bridge across the Tennessee River, in the State of Tennessee, by the Hariman Southern Railroad Company;
 H. R. 14221. An act granting an increase of pension to Nancy J. McArthur;
 H. R. 12800. An act granting an increase of pension to Horatio N. Whitbeck;
 H. R. 4556. An act to amend an act entitled "An act to supplement existing laws relating to the disposition of lands," etc., approved March 3, 1901;
 H. R. 13650. An act to correct the military record of James M. Olmstead;
 H. R. 10279. An act to pay the claim of Stephen B. Halsey;
 H. R. 12205. An act to provide for circuit and district courts of the United States at Valdosta, Ga.; and
 H. R. 13676. An act making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1903, and for other purposes.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, bills and joint resolutions of the Senate of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. R. 124. Joint resolution to provide for the printing of the memorial address on the life and character of William McKinley, late President of the United States, by the Hon. John Hay, before the two Houses of Congress—to the Committee on Printing.

S. R. 127. Joint resolution authorizing the loan of plans and drawings of park improvements of the District of Columbia—to the Committee on the Library.

S. R. 123. Joint resolution for the relief of Naval Cadet William Victor Tomb, United States Navy—to the Committee on Naval Affairs.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:
 To Mr. STEVENS of Minnesota, for five days, on account of important business.

To Mr. THOMAS of North Carolina, for five days, on account of important business.

MILITIA.

Mr. DICK. I ask unanimous consent that immediately after the pending election case is disposed of, the bill (H. R. 11654) to

promote the efficiency of the Army, be taken up in the House and be a continuing order until disposed of, not to interfere with conference reports or motions to suspend the rules.

Mr. RICHARDSON of Tennessee. I do not understand that this request is made with the concurrence of the minority of the committee, and for the present I shall have to object.

Mr. DICK. I will say to the gentleman that the proposition has the unanimous concurrence of the minority members of the committee. The report is unanimously signed.

Mr. RICHARDSON of Tennessee. I suggest to the gentleman to withhold this matter until to-morrow morning. We can not get through the election case until 2 or 3 o'clock to-morrow, and there will be ample time meanwhile to confer with the minority of the committee. If they assent, I shall make no objection.

Mr. DICK. Very well.

Mr. TAYLER of Ohio. I renew the motion to adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 15 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communication was taken from the Speaker's table and referred, as follows:

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Philip M. Buckley, administrator of estate of Philip J. Buckley against The United States—to the Committee on War Claims, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. DAVIS of Florida, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the Senate (S. 6119) to authorize the Pensacola, Alabama and Tennessee Railway Company to erect, maintain, and operate a railway bridge across the Alabama River, in Wilcox County, in the State of Alabama, reported the same without amendment, accompanied by a report (No. 2705); which said bill and report were referred to the House Calendar.

Mr. ADAMSON, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 15270) to amend an act entitled "An act authorizing the Aransas Harbor Terminal Railway Company to construct a bridge across the Corpus Christi Channel, known as the Morris and Cummings ship channel, in Aransas County, Tex.," reported the same without amendment, accompanied by a report (No. 2706); which said bill and report were referred to the House Calendar.

Mr. SHACKLEFORD, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the Senate (S. 6070) to authorize the construction of a bridge across the Missouri River, at a point to be selected, within 5 miles north of the Kaw River, in Wyandotte County, State of Kansas, and Clay County, State of Missouri, and to make the same a post route, reported the same without amendment, accompanied by a report (No. 2707); which said bill and report were referred to the House Calendar.

Mr. DALZELL, from the Committee on Ways and Means, to which was referred the bill of the Senate (S. 215) regulating the duties and fixing the compensation of the customs inspectors at the port of New York, reported the same without amendment, accompanied by a report (No. 2708); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BABCOCK, from the Committee on the District of Columbia, reported the bill of the House (H. R. 15289) to regulate the sale of viruses, serums, toxins, and analogous products in the District of Columbia, to regulate interstate traffic in said articles, and for other purposes, as a substitute in lieu of H. R. 13392, accompanied by a report (No. 2713); which said bill and report were referred to the House Calendar.

Mr. TAWNEY, from the Committee on Ways and Means, to which was referred the bill of the House (H. R. 15006) to amend an act entitled "An act to amend the statute in relation to the immediate transportation of dutiable goods, and for other purposes," approved June 10, 1888, reported the same with amendment, accompanied by a report (No. 2714); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. DICK, from the Committee on Military Affairs, to which

was referred the bill of the Senate (S. 4426) to authorize the Secretary of War to loan arms to the institutions having companies of the Boys' Brigade connected therewith, reported the same without amendment, accompanied by a report (No. 2715); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill of the House (H. R. 14379) for the erection of a memorial building or monument at Fort Recovery, Ohio, reported the same with amendments, accompanied by a report (No. 2718); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. WATSON, from the Committee on Naval Affairs, to which was referred the bill of the Senate (S. 3791) to provide suitable medals for the officers and crew of the United States vessel of war *Kearsarge*, reported the same without amendment, accompanied by a report (No. 2721); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. GARDNER of New Jersey, from the Committee on Labor, to which was referred the bill of the House (H. R. 15157) to authorize the appointment of boards of investigation and arbitration, and to define their powers and duties, reported the same with amendments, accompanied by a report (No. 2722); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. DICK, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 8132) to remove the record of dishonorable dismissal from the military record of John Finn, alias Flynn, reported the same without amendment, accompanied by a report (No. 2709); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 661) authorizing the restoration of the name of Thomas H. Carpenter, late captain, Seventeenth United States Infantry, to the rolls of the Army, and providing that he be placed on the list of retired officers, reported the same without amendment, accompanied by a report (No. 2716); which said bill and report were referred to the Private Calendar.

Mr. ESCH, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 917) for the relief of Henry Cook, reported the same with amendment, accompanied by a report (No. 2717); which said bill and report were referred to the Private Calendar.

Mr. DAYTON, from the Committee on Naval Affairs, to which was referred the bill of the Senate (S. 4083) for the relief of Surg. John F. Bransford, United States Navy, reported the same without amendment, accompanied by a report (No. 2719); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 3317) authorizing the President to appoint Lieut. Robert Platt, United States Navy, to the rank of commander, reported the same without amendment, accompanied by a report (No. 2720); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. PEARRE (by request): A bill (H. R. 15286) to revise, equalize, fix, and adjust special assessments levied for street extension benefits in the District of Columbia—to the Committee on the District of Columbia.

By Mr. STEPHENS of Texas: A bill (H. R. 15287) to amend an act relating to the removal of timber and stone from the Indian Territory—to the Committee on Indian Affairs.

By Mr. LACEY: A bill (H. R. 15288) relating to proofs in homestead and other claims to public lands and punishing false swearing therein, and for other purposes—to the Committee on the Public Lands.

By Mr. BABCOCK, from the Committee on the District of Columbia: A bill (H. R. 15289) to regulate the sale of viruses, serums, toxins, and analogous products in the District of Columbia, to regulate interstate traffic in said articles, and for other purposes, as a substitute for H. R. 13392—to the House Calendar.

By Mr. GOLDFOGLE: A bill (H. R. 15294) authorizing attorneys and counselors duly admitted to the Supreme Court of the

United States to appear and practice in all the district and circuit courts of the United States—to the Committee on the Judiciary.

Also, a resolution (H. Res. 320) relating to the consideration of H. J. Res. 198—to the Committee on Rules.

By Mr. GIBSON: A resolution (H. Res. 321) referring House bills Nos. 2744, 2747, 3801, 3918, 3920, 4780, 4781, 6973, 7260, 7262, 7550, and 8222 to the Court of Claims—to the Committee on War Claims.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. BOWERSOCK: A bill (H. R. 15290) granting an increase of pension to John T. Collins—to the Committee on Invalid Pensions.

By Mr. BURK of Pennsylvania: A bill (H. R. 15291) granting a pension to Patrick W. O'Donnell—to the Committee on Pensions.

By Mr. GOLDFOGLE: A bill (H. R. 15292) granting a pension to Harry Hirschensohn—to the Committee on Pensions.

By Mr. JACKSON of Maryland: A bill (H. R. 15293) for the relief of Joseph Flewhart—to the Committee on War Claims.

By Mr. JOY: A bill (H. R. 15295) granting an increase of pension to John Ford Smith—to the Committee on Invalid Pensions.

By Mr. PADGETT: A bill (H. R. 15296) to remove the charge of desertion and correct the military record of Isaac B. Goforth—to the Committee on Military Affairs.

By Mr. SMITH of Iowa: A bill (H. R. 15297) to correct the military record of William Vickory—to the Committee on Military Affairs.

Also, a bill (H. R. 15298) for the relief of C. A. Berry—to the Committee on Claims.

By Mr. JONES of Virginia: A bill (H. R. 15299) granting an increase of pension to Henrietta V. West—to the Committee on Invalid Pensions.

By Mr. THOMPSON: A bill (H. R. 15300) granting a pension to Delania Preston, widow of William G. Preston—to the Committee on Pensions.

By Mr. THOMAS of North Carolina: A bill (H. R. 15301) for the relief of W. P. Lane, administrator of W. K. Lane—to the Committee on War Claims.

By Mr. MEYER of Louisiana: A bill (H. R. 15302) to remove the charge of desertion against Charles H. Vogt—to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ADAMS: Resolutions of the Israelite Alliance of America in relation to the attitude of the Russian Government toward American citizens attempting to enter its territory—to the Committee on Foreign Affairs.

By Mr. BALL of Delaware: Papers to accompany House bill No. 11531, for the relief of Georgiana McNott—to the Committee on Military Affairs.

Also, paper to accompany House bill 7967, granting a pension to Robert Kelly—to the Committee on Invalid Pensions.

Also, papers to accompany House bill 10982, granting an increase of pension to John T. Lungren—to the Committee on Invalid Pensions.

Also, papers to accompany House bill 9978, granting a pension to Columbus Robey—to the Committee on Invalid Pensions.

By Mr. BATES: Papers to accompany House bill granting an increase of pension to Henry Tryon—to the Committee on Invalid Pensions.

By Mr. CALDERHEAD: Resolution of the Israelite Alliance of America relating to the discrimination against the Jews by the Russian Government—to the Committee on Foreign Affairs.

Also, protest of American Committee on Human Rights and Justice, of Philadelphia, Pa., against alleged injustice to Catholics in the Philippines—to the Committee on Insular Affairs.

By Mr. DICK: Petition of Mrs. E. S. Sherer and 728 other citizens of Cuyahoga Falls, Ohio, and vicinity, for an amendment to the Constitution preventing polygamous marriages—to the Committee on the Judiciary.

Also, resolutions of Order of Railway Telegraphers, Ashtabula Division, No. 36; Brotherhood of Railroad Trainmen, Lake Shore Lodge, No. 84, and Team Drivers' Union, all of Ashtabula, Ohio; Journeymen Stonecutters' Union and Retail Clerks' Union, both of Akron, Ohio, favoring the restriction of immigration of cheap labor from the south and east of Europe—to the Committee on Immigration and Naturalization.

Also, petition of East Plymouth Grange, No. 1548, Patrons of Husbandry, East Plymouth, Ohio, opposing the branch banking bill—to the Committee on Banking and Currency.

Also, petition of Journeymen Stonecutters' Union, No. 4, of Akron, Ohio, urging the use of the Cleveland sandstone in the Federal building to be erected in Cleveland, Ohio—to the Committee on Public Buildings and Grounds.

Also, petition of Taplin, Rice & Co., Akron, Ohio, urging the policy of protection to American industries in reciprocity concessions—to the Committee on Ways and Means.

Also, petition of J. W. Watrous and 5 others of Ashtabula, Ohio, favoring House bill 5286, providing for the classification of the salaries of post-office clerks—to the Committee on the Post-Office and Post-Roads.

Also, petition of the First National Bank of Warren, Ohio, for the repeal of the internal-revenue tax on bank capital and surplus—to the Committee on Ways and Means.

Also, petition of saloon and hotel keepers of Conneaut, Ohio, in favor of House bills 178 and 179, for the repeal of the tax on distilled spirits—to the Committee on Ways and Means.

Also, petition of James E. Shallenberger, of Piqua, Ohio, in relation to House bill to retire officers in the Regular Army—to the Committee on Military Affairs.

Also, resolutions of Eadie Post, No. 37, of Cuyahoga Falls, Ohio, Grand Army of the Republic, favoring the construction of war ships in the United States navy-yards—to the Committee on Naval Affairs.

Also, resolutions of Hod Carriers' Union No. 8773, of Akron, Ohio, in regard to employees in navy-yards—to the Committee on Naval Affairs.

Also, resolution of the same union for the exclusion of Chinese laborers—to the Committee on Foreign Affairs.

By Mr. DRAPER: Resolutions of a meeting of citizens of New York, in relation to the attitude of the Russian Government toward American citizens entering its territory—to the Committee on Foreign Affairs.

By Mr. ESCH: Resolution of the Israelite Alliance of America, relating to the discrimination against the Jews by the Russian Government—to the Committee on Foreign Affairs.

By Mr. FOERDERER: Resolution of Israelite Alliance of America, of New York City, approving the action taken by the House of Representatives as to the attitude of the Russian Government toward American citizens of Jewish birth attempting to enter its territory—to the Committee on Foreign Affairs.

Also, protest of American Committee on Human Rights and Justice, of Philadelphia, Pa., against alleged injustice to Catholics in the Philippines—to the Committee on Insular Affairs.

By Mr. GOLDFOGLE: Protest of the Wine, Liquor, and Beer Dealers' Association of the State of New York, against the passage of House bill 14019, increasing the liquor license in the District of Columbia—to the Committee on the District of Columbia.

Also, resolutions of West End Woman's Republican Association; United Garment Workers of America, and Electrical Workers' Union No. 3, of New York, in favor of the proposed increase of pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. GRAHAM: Resolution of the Israelite Alliance of America in relation to the attitude of the Russian Government toward American citizens attempting to enter its territory—to the Committee on Foreign Affairs.

By Mr. GRAFF: Petition of retail druggists of Peoria, Ill., in favor of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. HOWELL: Petition of Engineers and Firemen's Union of Jersey City, N. J., for increase of pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. JONES of Virginia: Papers to accompany House bill granting an increase of pension to Henrietta V. West—to the Committee on Invalid Pensions.

By Mr. LACEY: Resolution of Israelite Alliance of America asking relief from Russian hostile action against the Jews—to the Committee on Foreign Affairs.

By Mr. LINDSAY: Resolution of the Israelite Alliance of America in relation to the attitude of the Russian Government toward American citizens attempting to enter its territory—to the Committee on Foreign Affairs.

By Mr. MERCER: Papers to accompany House bill No. 15261 granting an increase of pension to Louis Lowry—to the Committee on Invalid Pensions.

By Mr. MEYER of Louisiana: Paper to accompany House bill to correct the military record of Charles H. Vogt—to the Committee on Military Affairs.

Also, resolution of the Louisiana Bar Association in opposition to the adoption of Senate bill 5383, requiring the United States circuit court of appeals for the fifth circuit to hold a session in Atlanta—to the Committee on the Judiciary.

By Mr. MOON: Petition of retail druggists of Chattanooga, Tenn., in favor of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. PEARRE: Petition of citizens of Montgomery County,

Md., in favor of House bills 178 and 179, for the repeal of the tax on distilled spirits—to the Committee on Ways and Means.

By Mr. RUPPERT: Resolution of the Israelite Alliance of America approving the action of the House in relation to the religious discrimination against American citizens by Russia—to the Committee on Foreign Affairs.

By Mr. RYAN: Resolutions of the Israelite Alliance of America, urging the United States Government to take steps to secure from Russia a removal of the discrimination against citizens on account of religion—to the Committee on Foreign Affairs.

By Mr. SHACKLEFORD: Papers to accompany House bill granting an increase of pension to Robert D. Davis—to the Committee on Invalid Pensions.

By Mr. STEVENS of Minnesota: Resolutions of the Brotherhood of Locomotive Engineers No. 333, St. Paul, Minn., against the substitute for the Hoar anti-injunction bill—to the Committee on the Judiciary.

By Mr. THOMAS of North Carolina: Papers to accompany war claim of W. P. Lane—to the Committee on War Claims.

By Mr. WILSON: Resolution of Israelite Alliance of America, relating to the discrimination against the Jews by the Russian Government—to the Committee on Foreign Affairs.

By Mr. ZENOR: Papers to accompany House bill 13843, granting an increase of pension to O. D. Heald—to the Committee on Invalid Pensions.

SENATE.

SATURDAY, June 28, 1902.

Prayer by Rev. F. J. PRETTYMAN, of the city of Washington.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. BERRY, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal will stand approved.

THOMAS WILKINSON.

Mr. BERRY. Yesterday evening, at the request of one of my colleagues in the House, I called up a pension bill. I gave by mistake the wrong number to the clerks, and a bill was passed not intended by me to be considered. I know nothing about the merits of the bill, and I do not know whether the beneficiary desires that the bill shall be passed at this session or not.

Therefore I move to reconsider the votes by which the bill was ordered to a third reading and passed, and ask that it be placed upon the Calendar. It is the bill (H. R. 5453) granting an increase of pension to Thomas Wilkinson.

Mr. PETTUS. I will inquire what the bill is about.

Mr. BERRY. It is a pension bill, and there was a mistake in the number. I know nothing about the bill. I do not know whether it is a meritorious bill or not. I do not know whether the beneficiary of the bill desires to have it passed at this session, for the reason that it is thought by many that bills passed now can not be signed. I do not wish to be responsible for the passage of a bill that I know nothing about, and I therefore move to reconsider the votes by which the bill was ordered to a third reading and passed.

The PRESIDENT pro tempore. The Senator from Arkansas asks unanimous consent that the votes by which the bill (H. R. 5453) granting an increase of pension to Thomas Wilkinson was read the third time and finally passed may be reconsidered. Is there objection? The Chair hears none. The Chair understands that the bill has not been sent to the House.

CONSIDERATION OF PENSION BILLS.

Mr. GALLINGER. In connection with the subject the Senator from Arkansas has alluded to, I will state that I have been importuned by some Senators and a great many members of the House to have the Pension Calendar cleared. I have said to them all that I felt very sure that if we passed the bills now on the Calendar they would fail of approval. For that reason I have not taken action in that direction. I make the public statement so that members of both Houses may understand the reason why the bills are allowed to remain on the Calendar.

Mr. BERRY. It was because the chairman of the Committee on Pensions had made that statement to me that I preferred to have the bill reconsidered, because I did not wish to have a bill passed where the beneficiary might not desire it.

DEFICIENCY APPROPRIATION BILL.

Mr. HALE submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 15108) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1902, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2, 6, 14, 15, 16, 17, 27, 28, 33, 36, 37, 71, 74, 75, 76, 77, 78, 79, 84, 95, and 96.

That the House recede from its disagreement to the amendments of the